

Agenda Item	<b>6.9</b>
Report No	<b>PLS-68-22</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 18 August 2022

**Report Title:** 20/05048/PIP: R.F. More (Properties) Limited  
Land At Wester Inshes South of West Park, Inshes, Inverness

**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Residential development of up to 101 dwellings and associated infrastructure.

**Ward:** 19 – Inverness South

**Development category:** Major

**Reason referred to Committee:** Major Development, 5 or more objections and Community Council objection.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### **Recommendation**

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 This application for planning permission in principle is for a residential development comprising of up to 101 residential homes and associated infrastructure.
- 1.2 The homes proposed are indicatively shown to be a combination of 7x detached houses, 20x semi-detached houses, 32x two storey cottage flats, and 30x self-build plots. 25% (25 homes) would be affordable. The indicative site layout plan makes provision for two vehicle points of access, two foot / cycle path points of access, landscaping, areas of tree retention, landscaping, open space and surface water drainage. An existing detached residential property 'Caro House' is located centrally within the site which is indicatively shown to be retained.
- 1.3 The applicant did not utilise the Council's pre-application consultation service. The proposals do however constitute the applicant's second planning application at the site for a similar development, with previous application 19/05574/PIP having been withdrawn in December 2020.
- 1.4 Pre-Application Consultation: The applicant served a Proposal of Application Notice on 24 June 2019 and held a public consultation event on 20 August 2019 seeking the views of the local community. The applicant has provided further information on the outcomes of that consultation within a Pre-Application Consultation Report.
- 1.5 Supporting Information: Planning Statement, Transport Statement, Flood Risk Assessment, Drainage Statement, Arboricultural Impact Assessment, Ecological Survey and Assessment, Bat Assessment, Badger Protection Plan, and a Public Consultation Report (PAC).
- 1.6 Variations:
- Amended site access configuration and layout in the interest of road safety;
  - Amended surface water drainage design to attenuate flood risk, to provide sufficient surface water treatment, and to limit impacts on trees; and
  - Amended indicative site layout plan with the removal of 12 residential homes (cottage flats) within the northern area of the site to accommodate an enlarged SUDS basin.

## **2. SITE DESCRIPTION**

- 2.1 The site comprises 8.4ha of predominantly undeveloped agricultural land located to the south east of Inshes Retail Park and the residential area of Inshes, Inverness. The ground generally falls from south to north west with a level change in the order of 30m over a length of 430m from around 90m AOD to 60m AOD. An existing detached residential property 'Caro House' is located centrally within the site with the surrounding agricultural land having not been worked in several years. The site is bound to the north by West Drive, including the adjacent residential properties of Cockleroi and a category C listed building – Helen's Lodge, as well as perimeter trees. To the east lies a mature tree belt and

neighbouring agricultural land which separates the site from the A9. To the south the site lies further agricultural land and two elevated residential properties which are set back from the site. To the west the site is bound by a tree belt and includes a burn which runs south to north following the alignment of Dell of Inshes Road, which separates the site from Wester Inshes farm buildings, existing residential housing and the adjacent housing site of Wester Inshes which is nearing completion.

- 2.2 Vehicle access is proposed via crossing of the single carriageway Dell of Inshes Road in two locations; the 'northern access' being via Cloverfield Road connecting with Inshes Primary School, and the 'southern access' being via West Park Avenue connecting the site to the Inshes and Milton of Leys Strategic Distributor Road, Co-op convenience store and onwards to Inshes District Park.
- 2.3 There are no natural or cultural heritage designations covering the site, however, the western tree belt is the subject of Tree Preservation Order (TPO), namely: HC20 - Wester Inshes, comprising mature mixed broadleaf woodland which is also listed in the Ancient Woodland Inventory as Long Established Plantation Origin (LEPO). As is the case with other sites in the south of Inverness, the site is also used by protected species, notably badger and bats. The upper southern area of the site lies within the Rolling Farmland and Woodland Landscape Character Type (228) as defined by Scottish Natural Heritage, with the lower northern area being defined as falling within the urban area of Inverness.

### 3. PLANNING HISTORY

3.1	14.12.2006	06/01038/FULIN - Storage area / site office	Planning Permission Refused
3.2	08.01.2008	07/00452/FULIN - Erection of 155 houses	Appeal Dismissed by Scottish Ministers
3.3	16.11.2012	07/00823/FUL - Erect 131 houses	Planning Permission Refused
3.4	02.06.2015	15/02010/FUL - Erection of 49 Houses, access roads and infrastructure	Application Withdrawn
3.5	20.08.2015	15/02675/FUL - Erection of 27 houses, access roads and infrastructure	Application Withdrawn
3.6	24.06.2019	19/02938/PAN - Residential development (in principle), means of access, and associated infrastructure	Proposal of Application Notice Received
3.7	15.12.2020	19/05574/PIP - Erection of 44no flats, 27	Application

dwellings and 30no. self-build plots and Withdrawn  
 associated infrastructure

### **Planning History Relating to the Proposed Southern Access Route**

3.8	20.05.2007	04/00934/FULIN - Erection of 73 bungalows and villas with associated services at Phase 3	Application Withdrawn
3.9	12.07.2012	07/00494/FULIN - Amendment to 04/934/FULIN to change house types and erection of 8 units of affordable housing	Planning Permission Granted
3.10	11.07.2012	08/00158/FULIN - Two additional houses (Amendment to 07/494/FULIN)	Planning Permission Granted
3.11	26.01.2016	14/03236/FUL - Re-mix of Wester Inshes Phase 3 to form 113 dwellings, including 12 affordable units, with associated works	Planning Permission Refused
3.12	30.11.2017	16/03468/S42 - Variation of Condition 1 of planning permission 07/00494/FULIN to enable amended site layout for construction of 107 units	Planning Permission Granted
3.13	26.09.2017	17/03060/S75M - Modification of Section 75 Agreement to include new developer contribution towards secondary education and reduction of infrastructure contribution sum to offset new developer contribution towards secondary education	S75 Modification Granted
3.14	30.04.2018	18/01942/FUL - Remix of plots/amended house types (Plots 60/61, 72/73, 84/85, 91/92, 107, 108, 109, 111/112) to provide additional 6 houses with associated works	Planning Permission Granted

## **4. PUBLIC PARTICIPATION**

4.1 Advertised: Inverness Courier: Schedule 3 Development and Unknown Neighbour  
Date Advertised: 15.01.2021, 23.04.2021, 09.07.2021 and 14.01.2022

Representation deadline: 28.01.2022

Timeous representations: 15 objections

Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) Over development with too many homes proposed for the established character of this area; inadequate detail regarding their size and type, and

the timely delivery of supporting infrastructure;

- b) Self-build plots present design, layout and material coordination challenges, with these plots being too small, resulting in disproportionality large houses with little garden ground or outlook;
- c) Affordable homes not visually in-keeping with the character of the area;
- d) Loss of sunlight / overshadowing and loss of privacy for existing residential properties, particularly due to proximity and height of the proposed homes which includes provision for flats;
- e) Loss of amenity green space with a lack of open space proposed;
- f) Lack of details for site boundary treatments, wildlife corridors, open space and tree protection areas, including future land ownership, management and maintenance thereof;
- g) Loss and impact on trees, particularly trees adjacent to West Drive sought to be retained;
- h) Loss of wildlife and habitats (including, but not limited to, disruption to protected species);
- i) Road access, parking and traffic safety concerns, particularly the crossing of Dell of Inshes Road and congestion around Inshes Primary School and at Inshes roundabout;
- j) Drainage and flooding with downstream properties experience drainage issues at present, notably along Dell of Inshes Road to the west leading to Briargrove Crescent and Briargrove Drive; as well as along West Park road to the north east, with SUDS basin being proposed in close proximity to existing housing;
- k) Impact on amenity (increased noise, air pollution, footfall and traffic congestion);
- l) Lack of infrastructure provision (inadequate school, nursery and hospital capacity); and
- m) Lack of opportunity to participate in the public consultation process.

Non-material issues raised are summarised as follows:

- a) The applicant's reputation and track record;
- b) Previous enforcement issues related to the wider landholding; and
- c) Loss of views from neighbouring properties.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Inshes and Milton of Leys Community Council** objects to the application. It questions the need for the site to be developed for housing. It notes that the density of housing proposed is unclear and that there is a lack of detail to assess the visual impact of the development. It considers that the development will result

in the loss of amenity for surrounding residential properties, particularly Helen's Lodge.

It sets out that traffic impacts present road safety risks, with any proposed traffic calming on Cloverfield Road considered to inconvenience existing residents and fail to ensure road safety. It considers construction impacts will be major due to traffic volumes and noise, with congestion being a concern at Inshes roundabout, with inadequate consideration given in the application to active travel routes and public transport with an independent traffic assessment being requested to be undertaken. It also supports the Access Officer's statement on maintaining non-motorised routes around the area and notes a lack of detail from the applicant of how this would be achieved and enhanced. It highlights that the traffic from this development will affect surrounding streets in the vicinity of Inshes Primary, with the area near the school experiencing parking problems causing significant risk to pedestrians. The ownership and the adoption status of various roads connected to this development is also questioned.

It considers there to be a lack of local school capacity without any school estate development proposals forthcoming. This is also the case for medical services and considers the site not to be well served by leisure facilities. Such local infrastructure deficiencies are cited to not to support the density of housing proposed.

The potential for exacerbating existing downstream drainage and flood risk is also highlighted, with historic flooding at West Drive being noted. It also questions the accuracy of the flood assessment undertaken. It considers the development to result in the loss of green space and adversely affecting local community amenity and wildlife, with the need for additional tree bat inspection surveys to be undertaken, with proposed street lighting having an adverse impact on bat activity. The loss of trees is also concerning, particularly surrounding Helen's Lodge which poses an increased risk of flooding as this part of the site drains to the south.

It also highlights the potential for contamination on site due to made ground, without any plan for remediation being forthcoming from the applicant.

If consented, boundary treatments, including those around self-build plots, green space and open areas and tree protection zones must also be clarified, with conditions applied to ensure that the development is completed timeously and that self-build plots have houses appropriate to the size of the plots in use and that such housing is of a suitable standard to enhance the area.

- 5.2 **Access Officer** does not object to the application. He has requested an Access Management Plan to be provided with this to be specified as a reserved matter within any forthcoming permission. A developer contribution is also sought to fund monitoring of the nearby A9 at grade crossing south of the site.
- 5.3 **Contaminated Land Team** do not object to the application. It has reviewed the Report on Site Investigations, prepared by Mason Evans, January 2020, and seeks further detail of how the applicant intends to handle made ground on site which contains inert items such as metal, brick, plastic, concrete, tarmac, wood and ceramic fragments which could pose a physical risk to future residents. A materials handling plan is therefore sought.

- 5.4 **Development Plans Team** do not object to the application. It maintains the position set out for withdrawn application 19/05574//PIP. It states that the site is allocated in the adopted IMFLDP, welcomes the master planned layout proposed, and encourages the exploration of alternative site access arrangements to improve permeability. It provides further commentary on detailed layout matters relating to: parking, maintain active frontages, landscaping of SUDS, open space provision with this to accommodate street furniture and recreational play equipment. It supports the provision of self-build plots. It also highlights the need for the development to be set back from mature trees to the east and west, including those covered by the western TPO. It supports the provision of further active travel connections to adjacent neighbourhoods, encourages further dialogue with Transport Planning relating to site access and outlines developer contribution requirements.
- 5.5 **Environmental Health** do not object to the application. It advises that planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. It notes that a construction noise assessment may be required subject to proposed construction hours and exceedance of certain noise limits, with this assessment to be carried out in accordance with BS 5228-1:2009 *“Code of practice for noise and vibration control on construction and open sites – Part 1: Noise”*. Regardless if the need for a noise assessment is triggered, developers are expected to employ best practice means to reduce construction noise. A scheme for dust suppression during construction, including from construction traffic, is also advised.
- 5.6 **Flood Risk Management Team** do not object to the application following amendments made to the site layout and drainage proposals. Its previous objection has been withdrawn subject to the inclusion of planning conditions. It has reviewed the Flood Risk Assessment (FRA) for the site and is satisfied that the flood risk to the site is low, with a conditions requiring a 6m buffer measured from the top of the bank of the watercourse to be kept free from development including plot boundaries, and new watercourse crossings to convey the 1 in 200m year flow plus climate change and an additional freeboard, with an updated FRA being required to demonstrate how this will be achieved.
- It also reviewed the revised Drainage Impact Assessment (DIA) which includes additional treatment and attenuation for the section of road proposed downstream of the proposed SUDS basin. The discharge rate proposed for the site is 8.8 l/s which accords with the agreed 2 year return period greenfield runoff rate which is acceptable, with revised simulations having been provided. Conditions are sought to agree the final drainage design in accordance with the DIA, as well as the adoption and maintenance of drainage infrastructure. Given the sloping nature of the site, the management of surface water runoff from greenspace areas within the site is also advised to be conditioned.
- 5.7 **Forestry Officer** does not object to the application. He advises that the updated site layout and road layout drawings do not show the existing tree constraints presented in the applicant’s updated Tree Protection Plans. The alignment of the access roads into the site means a number of trees would be removed, however, the applicant has revised the layout of the SUDS basin and filter trench to reduce

impacts on trees. Conditions are advised to: restrict tree felling operations without the prior written permission of the Council; update the Tree Protection Plan and Arboricultural Method Statement, with provision to protect existing trees to be retinted; appoint an arboricultural consultant to oversee the construction works; and provide a detailed landscape plan and maintenance programme, with its implementation to be overseen by a landscape consultant.

5.8 **Historic Environment Team** do not object to the application. It sets out that the latest amendments made to the site layout plans look to be an improvement for the setting of the adjacent listed building Helen's Lodge. A condition is also sought requiring the undertaking of an archaeological watching brief.

5.9 **Transport Planning Team** do not object to the application following amendments to the proposed southern site access and drainage treatment arrangements. It supports the provision of two site entrance points into this site, as this gives users route choice, but also supports the possibility of the northern access via Cloverfield Road being design as an active travel access only. For the northern access, traffic calming features on Cloverfield Road, as well as a road marking scheme on this road and Inshes Road, are recommended to be secured by condition. A scheme to promote active travel on Dell of Inshes Road, including a Traffic Regulation Order of its redetermination, is sought by condition. Further comments relate to internal road layout which are matters of detail.

It clarifies that neither the northern or southern access roads have been adopted by the Council, and therefore until adopted these routes remain private with their maintenance responsibilities falling to the landowner. Until either or both routes are adopted, no roads within the development site can be considered by the Council for adoption. All watercourse crossing structures proposed for adoption shall also require the technical approval of the Council's Structures Team, with the site investigation report requiring to be reviewed ahead of any earthwork material being used to construct roads.

It confirms that the proposed surface water treatment arrangements are now acceptable. This is subject to the combined system serving an 80m section of the northern access road and curtilage surface water drainage, being vested by Scottish Water, with an updated DIA being required by condition. A condition is also sought to secure a Construction Traffic Management Plan (CTMP), with the inclusion of a wear and tear legal agreement.

5.10 **Access Panel (Inverness)** were consulted but did not respond.

5.11 **Historic Environment Scotland** do not object to the application. Their interest relates to Inshes House - Town House in Grounds, LB8050, which is a category A listed building. It is satisfied that the proposal would not have a significant impact on this listing any other heritage assets within their remit.

5.12 **NatureScot** do not object to the application. It highlights that the proposal does not lie within, and is unlikely to affect, any designated sites for nature conservation.

5.13 **Scottish Water** do not object to the application. There is current capacity at the Allanfean Waste Water Treatment Works to serve the development. It cannot



however confirm capacity of Inverness Water Treatment Works without the applicant undertaking a pre-development enquiry. There are records of existing Scottish Water assets across the site, necessitating the applicant to make contact to apply for any necessary diversion.

- 5.14 **Scottish Environment Protection Agency** do not object to the application. This is subject to the inclusion of a condition requiring that any new road crossing culverts be designed to convey the 1 in 200 year return period flow plus a freeboard allowance, as well as a condition specifying that should there be any proposal to replace the existing West Park Avenue culvert crossing, then information on existing and proposed design should be provided and also accompanied by an assessment of the impact of such development on the localised flooding.
- 5.15 **Transport Scotland** do not object to the application and has no further comment.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application:

### **Highland Wide Local Development Plan 2012**

- 6.1
- 28 - Sustainable Design
  - 29 - Design Quality and Place-making
  - 30 - Physical Constraints
  - 31 - Developer Contributions
  - 32 - Affordable Housing
  - 34 - Settlement Development Areas
  - 42 - Previously Used Land
  - 51 - Trees and Development
  - 55 - Peat and Soils
  - 56 - Travel
  - 57 - Natural, Built and Cultural Heritage
  - 58 - Protected Species
  - 59 - Other Important Species
  - 60 - Other Importance Habitats
  - 61 - Landscape
  - 63 - Water Environment
  - 64 - Flood Risk
  - 65 - Waste Water Treatment
  - 66 - Surface Water Drainage
  - 70 - Waste Management Facilities
  - 72 - Pollution
  - 74 - Green Networks
  - 75 - Open Space
  - 77 - Public Access

### **Inner Moray Firth Local Development Plan (2015)**

- 6.2
- IMFLDP Policy 2 – Delivering Development
  - Within Inverness Settlement Development Area
  - IN47: Inshes Small Holding (north) allocation for 100 homes

## **Highland Council Supplementary Guidance**

- 6.3
- Inshes and Milton of Leys Development Brief (March 2004)
  - Developer Contributions (Nov 2018)
  - Flood Risk and Drainage Impact Assessment (Jan 2013)
  - Green Networks (Jan 2013)
  - Highland Historic Environment Strategy (Jan 2013)
  - Highland's Statutorily Protected Species (Mar 2013)
  - Managing Waste in New Developments (Mar 2013)
  - Open Space in New Residential Developments (Jan 2013)
  - Public Art Strategy (Mar 2013)
  - Standards for Archaeological Work (Mar 2012)
  - Sustainable Design Guide (Jan 2013)
  - Trees, Woodlands and Development (Jan 2013)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **Emerging Local Development Plan Policy and Non-Statutory Planning Guidance**

- 7.1 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation and National Planning Framework 4 (NPF4).
- 7.2 The Inner Moray Firth Local Development Plan is also currently under review with its Proposed Plan (IMFLDP2 Proposed Plan) having been published for public consultation in March 2022. It is a material consideration in the determination of this application. IMFLDP2 continues to promote the site for housing development, forming allocation INS02 which has an indicative housing capacity of 101 homes. The identified 'Placemaking Priorities 19' for South Inverness include: encouragement of more sustainable, walkable communities by delivering neighbourhood services and facilities, as well as housing, in central locations; supporting improved active travel and public transport provision by ensuring higher density development, where appropriate; and safeguard the character and setting of the City to the south by preventing further development on upper slopes. Pertinent emerging Proposed Plan policies include:
- 1 - Low Carbon Development
  - 2 - Nature Protection, Preservation and Enhancement
  - 4 - Greenspace
  - 5 - Green Networks
  - 8 - Placemaking
  - 9 - Delivering Development and Infrastructure
  - 10 - Increasing Affordable Housing
  - 11 - Self and Custom Built Housing
  - 13 - Accessible and Adaptable Homes
  - 14 – Transport

- 7.3 In addition, the Council has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects (Aug 2010).

### **Scottish Planning Policy, Other National Guidance and Policy**

- 7.4
- Scottish Planning Policy (The Scottish Government, 2014)
  - National Planning Framework 3 (NPF3) (The Scottish Government, 2014)
  - Consultative draft National Planning Framework 4 (NPF4) (The Scottish Government, 2021)
  - National Transport Strategy 2 (The Scottish Government, 2020) and its Delivery Programme (The Scottish Government, 2022)
  - Cycling by Design (Sustrans, 2021)
  - Designing Streets (The Scottish Government, 2010)
  - Creating Places (The Scottish Government, 2013)
  - PAN 1/2011 - Planning and Noise (Mar 2011)
  - PAN 60 - Planning for Natural Heritage (Jan 2008)
  - PAN 61 - Sustainable Drainage Systems (Jul 2001)
  - PAN 68 - Design Statements (Aug 2003)
  - PAN 75 - Planning for Transport (Aug 2005)
  - PAN 77 - Designing for Safer Places (Mar 2006)

## **8. PLANNING APPRAISAL**

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Determining Issues**

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **Planning Considerations**

- 8.3 The key considerations in this case are:
- a) Development Plan and Other Planning Policy;
  - b) Design and Layout (including Landscape and Visual Impact, Open Space and Landscaping);
  - c) Roads, Access and Parking;
  - d) Water Environment, Flood Risk and Drainage;
  - e) Natural Heritage (including ecology and trees);
  - f) Amenity Impacts (including during construction);
  - g) Infrastructure Provision (including education); and
  - h) Other Material Considerations.

### **Development Plan and Other Planning Policy**

- 8.4 Development plan policy is set out in the Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan (IMFLDP) and statutorily

adopted supplementary guidance.

- 8.5 The site is located within the Inverness Settlement Development Area as defined within the IMFLDP and the principle of residential development on this site complies with the development plan as the site is allocated for housing. It comprises IMFLDP allocation IN47 which identifies capacity for 100 homes across an area of 6.7ha. The site forms one of the last remaining sites to be developed within the Inshes and Milton of Leys Development Brief, with the site having been promoted for development since 2004.
- 8.6 The proposed number of homes (101) is broadly in accordance with the allocation's indicative site capacity. Should the existing property be retained, as indicated in the applicant's submission, the overall housing density across the site would be in the order of 15 houses per hectare, which is respectful of the allocation's indicative capacity which takes account of the land take associated with setting development back from a number of constraints including: perimeter trees, watercourse, habitats and neighbouring listed building; as well being reflective of the land take associated with developing a sloping site which generally requires more engineering works and space for drainage attenuation.
- 8.7 The IMFLDP is under review with the Proposed Plan having recently been consulted upon. The site remains allocated for housing development, forming allocation INS02 which has an indicative housing capacity of 101 homes. Again, the land use proposed is conformity with this aspect of the Proposed Plan.
- 8.8 The development plan contains a number of further policy tests that must be taken into account in determining this application; in particular matters related to layout, design, place-making and infrastructure provision. If there are no significant impacts arising from these matters then the application would accord with the Development Plan.

### **Design and Layout**

- 8.9 The application is for planning permission in principle. In assessing applications of this nature the Planning Authority need to be satisfied that enough space has been identified for homes proposed, that these homes can be accessed appropriately, with the site being capable of being successfully services and drained, and that other on site and surrounding natural and cultural heritage interests are afforded sufficient protection.
- 8.10 Although the developer had initially submitted an indicative site layout plan to demonstrate the ability to deliver 101 homes with roads, active travel connections, open space, drainage, habitat and tree retention, the site layout was amended on several occasions during the determination of the application. Areas previously identified for housing within the site have made way for an enlarged SUDS basin and greater areas of tree protection. As a result, the amended layout plan indicatively shows the delivery 89 homes. This plan is however conceptual, and it is expected that alternative house sizes, types and spacing would come forward in due course which could achieve up to a maximum of 101 homes, which is the amount applied for in the application's description of development. As there remains sufficient developable land within the site to achieve this upper limit, the

number of homes proposed is acceptable, with the finalised internal site layout to be a reserved matter of any forthcoming permission.

- 8.11 The indicative layout indicates two principal points of access with a looped layout for vehicle movement, plus active travel connections to the west. The application proposes a mix of house types with the incorporation of flats of up to two storeys in height. Provision is also made for up to 30 self-build plots. The height of the proposed homes is in keeping with that of the more modern homes developed across Inshes, and it is encouraging that an area for self-build plots has also been incorporated, which is in line with IMFLDP2 Proposed Plan Policy 11. Both the maximum building height and number of self build plots can be conditioned. The indicative layout is broadly in accordance with Designing Streets principles, but this detail will need to be considered through future applications for matters specified in conditions.
- 8.12 The amended indicative layout also demonstrates the ability to achieve a generous set back from existing surrounding properties; the closest of which are to the north, east and west. The lower northern area of the site is proposed for drainage attenuation with the introduction of a large SUDS basin. To the east and west habitat corridors measuring at least 10m in width are also proposed, with the amended site layout respecting the setting of the adjacent listed Helen's Lodge. There are also a number of perimeter trees surrounding the site, many of which are to be retained and will help to avoid the loss of privacy for existing neighbouring properties. Through the retention of green buffers, plus the introduction of site landscaping, and appropriate siting and design, the site will not be prominent when viewed from the surrounding areas, respecting the site's urban fringe location and its established landscape character.
- 8.13 The application has given due consideration to the natural, built and cultural heritage features within the proposal's design. Further to representations received from members of the public and the consultation responses from consultees, the applicant has made changes to the proposal to limit the impact of the development on these features. Further mitigation in relation to matters such as setback from existing trees and securing appropriate habitat corridors can be secured by condition.
- 8.14 The phasing of development is currently unclear, however, the applicant has intimated that the site would likely be built out from north to south enabling the infrastructure to serve self-build plots to be established prior to these being built out over a longer period of time. This is considered appropriate with a phasing plan able to be conditioned.
- 8.15 The landscaping strategy for the site has sought to provide appropriate buffers from established perimeter trees, which double as habitat corridors and provide a green network. A limited central area of open space is also illustratively presented, and the finalised overall quantity and quality of open space provision must accord with the provisions of the Open Space in New Residential Development Supplementary Guidance. In applying the guidance, 40sqm of usable open space is required per person, equating to a requirement for 9,000sqm (0.9ha) of open space. The details of landscaping and open space can

be conditioned.

- 8.16 The application demonstrates an appropriate layout may be achievable which addresses good practice in terms of layout and design while addressing the site constraints. Conditions will be required to secure matters such the proposed mix of house types and two storey flats, plot sizes, material palette, landscaping, boundary treatments, management of woodland, promotion of active travel connections, and appropriately designed open space with street furniture, consideration for play equipment and the integration of public art.

### **Roads, Access and Parking**

- 8.17 The application proposes two new points of vehicular access crossing Dell of Inshes Road. The northern access would connect with Cloverfield Road and the southern access would connect with West Park Avenue. The applicant has demonstrated that both points of access are deliverable and could be built out on land which is within a combination of the Council's and the applicant's control.
- 8.18 The applicant's previous planning application proposed a single point of vehicle access, the northern access, to serve the entirety of the site. This raised safety concerns relating to congestion at peak times surrounding Inshes Primary. In reviewing the Inshes and Milton of Leys Development Brief and the planning history of the recent neighbouring housing development, it was however apparent that the site was always intended to be accessed via the southern access route, which delivers a more direct connection onto the Inshes and Milton of Leys Strategic Distributor Road. In this regard, the land ownership of West Park Avenue was previously transferred to the Council to enable this route to serve the application site and allocated housing land further to the south. In light of this information, the applicant voluntarily withdrew the previous planning application and now proposes two points of vehicle access.
- 8.19 The initially submitted southern access configuration looked to utilise a section of Dell of Inshes Road, as well as the existing point of access into the site which serves the house on site, forming an 'S' bend alignment. Whilst this would have resulted in fewer trees to be removed and less watercourse and habitat disruption, its complex geometry didn't comply with junction design standards. After several design permutations, the finalised amended design looks to realign and provide a perpendicular crossing arrangement of the Dell of Inshes Road. The Transport Planning Team has confirmed that the site access proposals are now compatible with road design standards, with the amended southern access's configuration greatly reducing its impact on Dell of Inshes Road as an attractive active travel route. The Transport Planning Team are now content with the proposed access arrangements subject to the detailed design matters being submitted for approval through any future matters specified in conditions application.
- 8.20 Matters to be secured through planning conditions include the promotion of Dell of Inshes Road for active travel, with a Traffic Regulation Order of its redetermination. It is envisaged that all northbound vehicles on this road would be redirected onto West Park Avenue, with access beyond this point on Dell of Inshes Road being restricted for active travel use. The same arrangement could

also be deployed at the northern access point, with properties level with the application site to the west maintain a vehicle access onto Cloverfield Road. Other reserved matters include: the finalisation of all proposed surface water treatment arrangements for all of the proposed roads serving the site; the technical approval for structural design of all watercourse crossings; further earthwork material investigation; securing a Construction Traffic Management Plan (CTMP) with the inclusion of a wear and tear legal agreement; and a residential travel pack with the inclusion of electric vehicle parking provision.

- 8.21 The proposed development will lead to additional traffic on the local road network. The Transport Statement (TS) submitted with the application recognises and predicts that the development would give rise to around 89 additional two way trips in the am-peak and 86 additional two-way trips in the pm-peak. Whilst the applicant has sought to split this across two points of access, concern remains that a greater proportion of road users may still opt to take the northern access travelling along Cloverfield Road. This could be managed by an internal road restriction within the site to limit the number of homes served by each access, however, given the safety concerns previously expressed by Transport Planning, and through the local representations received, it is being recommended that the northern access be redesigned and restricted to form an active travel connection only, which is to be secured by planning condition.
- 8.22 The applicant has expressed a desire to retain this northern access to serve the earlier phase of development. Should the northern access be necessary for site enabling construction site works, and in order to facilitate construction of the southern access, the use of the northern access for such temporary, time limited, activities can be supported, providing that this is accompanied measures within the CTMP to avoid the peak pick up and drop off periods at the school, and that a planning condition specifies that the northern access is converted for active travel use only prior to first occupation of the development. With the northern access being restricted to active travel use thereafter, the need for additional traffic calming along this route and a road marking scheme, as recommended by Transport Planning, can also be supported and conditioned. Despite no additional vehicle trips using this route, its use by people walking and cycling to school would still intensify, and therefore these measures remain appropriate in the interest of safety, and to promote active travel to and from school, Inshes Park and beyond.
- 8.23 Additional active travel connections are also shown indicatively on the indicative site layout plan. These relate to the retention of the existing driveway serving the house on site where it connects with Dell of Inshes Road. Whilst this provides further active travel route choice, it remains unclear if this would be well used given the alternative routes available and the merits of this connection can be reviewed in the finalisation of the layout plan. A further active travel connection is also proposed to the south west linking with Dell of Inshes Road. The delivery of this connection is however proposed to be conditioned, with it providing future residents with recreational access further to the south, providing a suitable connection with allocated housing land further south and towards Milton of Leys.
- 8.24 Representations have raised concern with the suitability of providing any active travel connection onto West Drive to the north. This connection was presented in

previous versions of the site layout plan and has since been removed. Whilst a connection around the proposed SUDS basin may be a possibility, users of West Drive have highlighted that it is not an adopted road. Through site inspection, it is apparent that it is particularly narrow and tree lined with very few opportunities to step or go to one side to avoid any oncoming vehicles. As such, a condition is proposed to prevent any future access onto West Drive. The indicative layout drawing also indicates the provision of two green wedges to the south east of the site. The functionality of these remains unclear and whilst no clear access is shown, it is to be conditioned that these areas if retained as open / habitat spaces, are designed in such a way to discourage through access given that this may encourage people to enter the site's peripheral green network corridors which are to serve protected species.

- 8.25 An Access Management Plan for the site can be secured by condition, with this expected to detail how public access will be accommodated during construction as well as detail the proposed location of all paths and access provisions. In this regard, the Dell of Inshes Road is a public right of way which continues across the A9 to link with the B9177, with public access to be accommodated before, during and upon completion of the development. A developer contribution is also required to monitor usage of this route at the point of the at grade crossing of the A9 to the south of the site. These findings are to provide a better evidence base to inform Transport Scotland's forthcoming review of this crossing and to ascertain its strategic importance.
- 8.26 Transport Scotland has not raised concerns with regard to impacts on the trunk road network. The site is also served by public transport, with the southern access, making provision for footpaths on either side of the road, providing a connection to the distributor road where existing bus stops are located just south of the roundabout which are around 300m from the site. A developer contribution towards the existing bus service provision is also required, with this service having been established in advance to serve the Inshes and Milton of Leys Development Brief area.
- 8.27 Any future application will be required to provide details of car and cycle parking in accordance with the Roads and Transportation Guidelines for New Developments. This will be secured by condition. To facilitate a move toward a low carbon economy it is considered appropriate to facilitate the transition toward the phasing out of diesel and petrol cars. This would include the provision of electric car charging points. The details of the design and scale of this infrastructure can be secured by condition. Further, a strategy for energy use and sustainability should be considered by the applicant and also secured by condition.
- 8.28 Overall, with the incorporation of the proposed mitigation measures, the transportation impacts associated with the development are acceptable. The site is capable of being well served and is within active travel distance of primary school, Inshes Retail Park, Inshes Retail Park and several places of employment including Raigmore Hospital and Inverness Campus.



## **Water Environment, Flood Risk and Drainage**

- 8.29 Consultees, as well as representations received, have highlighted that the watercourses to the east and west of the site have been the source of flooding to areas downstream of the application site on a number of occasions. Therefore, as well as preventing flooding of the site, it should be also demonstrated that this development will not increase the probability of flooding downstream.
- 8.30 The Council's Flood Risk Management Team (FRM) has reviewed the Flood Risk Assessment submitted for the site and is satisfied that a precautionary approach has been taken and that the development site itself will be at low risk of flooding. A condition is required that finalised site layout shall be required to maintain a 6m buffer measured from the top of the bank of the watercourse is kept free from development, including housing plot boundaries. The watercourse crossings are also to be designed to convey the 1 in 200 flow, plus climate change and an additional freeboard, with this also to be conditioned. With the incorporation of these measures, both FRM and Scottish Environment Protection Agency (SEPA) are satisfied that flood risk can be appropriately managed.
- 8.31 The applicant has also provided a Drainage Impact Assessment (DIA) for the application. This has been reviewed and amended on several occasions during the application's determination period. The latest amended DIA, now incorporates additional attenuation with a substantially enlarged SUDS basin across the northern area of the site. This has been designed to reduce the discharge rate from the SUDS basin to 8.4 l/s, with a further downstream filter trench and hydro-break attenuating the combined surface water run off from all impermeable areas proposed within the site, such as roofs, roads, footways and driveways, to a rate of 8.8 l/s, with this to be discharged to the western watercourse. This discharge rate now meets with FRM's satisfaction.
- 8.32 This agreed rate is more stringent than usual given that the watercourse feeds the Dell Burn which has previously flooded downstream properties. The drainage design for the site now matches the pre-development greenfield run off rate for the 1 in 2 year rainfall event; i.e. run off from the 1 in 200 year rainfall event would in future be held back within the SUDS basin and discharged from the site at the 1 in 2 year greenfield pre-development rate. Revised simulations have also been provided that demonstrate the attenuation proposed is effective at meeting the required discharge rate. The application has therefore demonstrated that the site is capable of being effectively drained without increasing flood risk downstream.
- 8.33 As the drainage design reflects the indicative site layout plan to date, planning conditions can secure an updated DIA, drainage design, calculations and re-run simulations to reflect the finalised site layout. In addition, surface water runoff from greenspaces within the site, which would not be drained by the SUDS, as well as runoff originating from higher ground to the south east of the development, would also need to be managed to protect properties, with this detailed design to be conditioned; as well as the future management, maintenance and vesting arrangements.

8.34 In this regard, Transport Planning have advised that the proposed water treatment chamber which is proposed to treat a small area of the site, which wouldn't be served by the SUDS basin, would not be maintained by the Council. The applicant has however confirmed that this treatment chamber, along with rest of the proposed SUDS design, would be delivered to a standard capable of adoption by Scottish Water. The applicant has also confirmed that the site would be connected to the sewer system via Cloverfield Road. Both matters can be conditioned.

### **Natural Heritage**

8.35 The applicant undertook an ecological survey of the site in 2019, inclusive of protected species walkover survey, which was repeated in 2021. This confirmed the presence of protected species including badger and bats with there being potential for the site to support breeding birds.

8.36 In relation to badger, there are two sets present within the site, one of which would be directly impact upon and removed by the proposed development. This direct loss is considered unavoidable in order to secure the southern access into the site. The applicant's supporting confidential Badger Protection Plan, January 2022, explains that the sett in question is a satellite sett. Due to its size and infrequent usage, its removal will not significantly impact upon badgers or their population with its removal being possible through obtaining a licence from NatureScot. This plan also sets out measures to mitigate disturbance to badger both during construction and following site occupation.

8.37 The plan reports that, as a result of developing the site, there will also be a reduction in the amount of available foraging habitat, albeit that the vast majority of the site is not primary foraging habitat for badgers, and there is sufficient foraging land available to the south and east, meaning that its loss will not be significant in local terms. That said, given that land further to the south west of the site is also allocated for development, the latest Badger Protection Plan has been amended and now makes a commitment to doubling the width of the indicative site location plan's southern habitat corridor, from 10m to 20m in width to enable sufficient space for connectivity, habitat enhancement and compensatory tree planting. This together with the other recommendations within the plan can be conditioned.

8.38 In relation to bats, the applicant's Bat Assessment Report confirms the presence of three different species having undertaken activity surveys. As trees require to be felled to enable site access, a repeat survey of trees for potential roost features requires to be undertaken in advance of felling, with the provision of bat boxes. The survey identifies that the woodland edge habitats, especially to the south east, offers the most suitable habitat for foraging and commuting bats, with the site's eastern edge being of local importance for foraging. Suitable habitat corridors and a setback from the eastern site boundary has been afforded, with the reduced lighting and other recommendations of the Bat Assessment Report to be incorporated in the finalised site layout plan, CEMP, and site lighting details which can be conditioned.

- 8.39 In addition to the CEMP, an Ecological Clerk of Works (ECOW) for the development would be required to oversee and secure the delivery of the ecological mitigation measures set out within the submission. This can be secured by condition.
- 8.40 Trees bound the site and there are also a number of trees within it. The applicant has submitted a series of reports and plans detailing the tree constraints across the site. The indicative layout plan and drainage plans have been amended during the application's determination period, with the most up to date drainage design having been altered with an enlarged SUDS basin and associated connecting infrastructure having been re-designed to increase attenuation, but also being re-positioned in the interest of retaining more trees on site, particularly along the western boundary with this area being the subject of TPO (HC20).
- 8.41 Of the 344 trees surveyed, the latest indicative layout would result in the removal of 91 individual trees, meaning around 75% of trees on site are to be retained. 66 trees to be removed are either Category C or U, being low quality or unsuitable for retention. Of the 25 remaining trees to be felled, 24 are of moderate quality, Category B, and one is of high quality, Category A (Reference T663 – a mature Beech tree located close to the southern access). In addition, a grouping of young, densely spaced, small diameter trees are also to be cleared with this grouping being of Category C low quality which is acceptable.
- 8.42 In devising the indicative site layout, the design has sought to retain as many trees within the site as possible, whilst devising a housing scheme which is well connected and achieves sufficient setback from other development constraints. The design has incorporated a 20 meter buffer from the proposed homes to all existing trees on site to be retained, and no changes in ground level or service connections are proposed within the retained tree root protection areas. A no dig solution is also proposed for all active travel paths linking with Dell of Inshes Road.
- 8.43 The principal areas of tree loss within the site relate to: 1) the northern access, 2) the southern access; 3) the removal of the young group of tree to the north east; 4) the removal of trees surrounding the perimeter of the existing house on site; and 5) the removal of a line of trees adjacent to West Drive. In allocating the site for development in the Council's development plan, there is an expectation that a degree of tree removal will be required to make suitable access arrangements and to create a developable area within the site. In this case, the tree removal within middle the site not unexpected, with this to make way for a new landscape planting proposals to be introduced which can be conditioned.
- 8.44 The most pertinent matter is the tree losses within the TPO along the western site boundary. In devising a site access, the applicant's design team have gone to considerable effort in devising a suitable site access solution which limits the extent of tree removal required. Unfortunately, their initial options of: a) the northern site access being the single point of access; or b) the northern site access, plus the use of the existing site driveway where there is break in the trees, have not been supported by the Planning Authority to date, as both options raised significant road safety concerns. The amended access solution with the

formation of a dual site access, (albeit with the northern access being recommended to be conditioned for temporary construction access, service connections, and use for active travel thereafter), now delivers tangible transportation benefits which outweigh the associated habitat and tree losses.

- 8.45 In relation to the loss of trees adjacent to West Drive, in amending the proposed SuDS basin's design, the associated amended drainage drawings, and indicative site layout plan, now look to achieve a suitable setback from a line of 5 category B Ash trees (references T825 through to T829) which are still currently shown for removal in the Tree Protection Plans. As it is apparent that these trees, as well as the existing intervening roadside vegetation could be retained, a condition to this effect can be introduced, with updated tree protection plans being required.
- 8.46 The extent of proposed tree removal has also been accepted by the Council's Forestry Officer, who recognises that effort has been made in amending the drainage design to retain trees within the northern area of the site. Further tree protective measures can also be secured by condition, including: restrict tree felling operations without the prior written permission of the Council; appointment of an arboricultural consultant to oversee the construction works; provision of a detailed landscape plan, maintenance programme and implementation thereof to be overseen by a landscape consultant.

### **Amenity Impacts**

- 8.47 Due to the location of the development, the extent of intervening trees to be retained surrounding the perimeter of the site, and height of buildings to be restricted to two storeys, the development will not lead to amenity impacts in terms of material loss of privacy or daylight to existing properties.
- 8.48 Representations have raised concerns with regard to the amenity impact of construction. Environmental Health has no concerns in this regard. It has however set out that a Construction Noise Management Plan and Dust Suppression plan may be required. These can be secured through a condition on construction environmental management. Further a construction traffic management plan will be required. This will be required to detail construction traffic routes, construction site operation times and provide a commitment to no deliveries or heavy goods movements immediately before or after school pick up and drop off times at Inshes Primary and for Milburn Academy.

### **Infrastructure Provision**

- 8.49 HwLDP Policy 31 Developer Contributions and HwLDP Policy 32 Affordable Housing and the Developer Contributions Supplementary Guidance (DCSG) allows the Council to seek from the applicant a fair and reasonable contributions towards the additional costs or requirements for improved public services, facilities or infrastructure to enable development.
- 8.50 The DCSG requires that at least 25% of all homes proposed must be affordable, rounded to the nearest whole number. The proposed number of homes is 101 meaning a minimum of 25 must be affordable. A Section 75 legal agreement is proposed, ensuring that these affordable homes are provided, and delivered as

early as possible.

- 8.51 The development is located within the Inshes Primary School and Millburn Academy School catchment areas. As highlighted within a number of representations to this planning application, the catchment schools have capacity constraints triggering the need for developers within these catchments to make financial contributions towards either school extensions, or new schools, plus land costs.
- 8.52 The proposed development, based on a worst case scenario of all the properties being houses, will generate 30 primary school pupils and 13 secondary school pupils. These figures have been derived from the published Pupil Product Ratios in the Developer Contributions Supplementary Guidance (DCSG). The impact on the school estate has been considered in the context of the published 2021/22 School Roll Forecasts (SRF). The DCSG sets out that contributions are usually required when a school's capacity is over 90% for five or more years of the 15 year forecast; and that the contribution rate is based on the number of pupils above the 90% threshold. Based on the SRF:
- Inshes Primary has a capacity of 367 pupils and is currently at 87% capacity with a roll of 319 pupils. The roll is forecast to increase to 378 pupils with the school breaching its 90% capacity in around 2027/28. As the 90% capacity threshold will be breached by less than 50 pupils (48) by the end of the forecast period, 2 classroom extension rates apply, plus land costs; and
  - Millburn Academy has a capacity of 1,195 pupils and is currently over capacity with a roll of 1,236 pupils. The roll is forecast to increase to around 1,325. As the 90% capacity threshold has already been breached by more than 50 pupils, new school developer contribution rates apply, plus land costs with a new secondary school site haven been identified within the Inverness East Development Brief Area to serve both the existing Milburn Academy and Culloden Academy catchments.
- 8.53 Any extension to the catchment schools, or new school to serve these catchments, will need to be subject to a separate proposal. The location of any extension, and any subsequent loss of school grounds, would be assessed as part of any such development. As explained in the DCSG, the onus for the delivery of increased school provision and management of the school estate would be with Education Services who would be the recipients of the developer contributions to enable development. In determining the developer contribution rate towards primary school provision, the allocated sites in the adopted IMFLDP within the catchment area have all been accounted for in the latest SRFs. Note that additional housing is also proposed in the IMFLDP2 Proposed Plan, notably: Proposed Plan allocations INS03: Dell of Inshes (150 homes) and INS22: Inshes Road (20 homes). As these are still being disputed and are pending future examination by the Scottish Government, these are not accounted for at the present time in the published SRFs. Should these additional sites come forward for housing in due course, this may place additional pressure on their catchment schools triggering the potential need in the future to seek higher major school extension / new school primary contributions from these sites.

- 8.54 Active travel connections to adjacent residential communities are to be delivered on site with Dell of Inshes Road to be redesignated and promoted for active travel use, with a financial contribution also being required to monitor usage of the at grade A9 crossing. A financial contribution is also required towards the Inshes Corridor Road Improvement Scheme. Whilst the IMFLDP2 Proposed Plan suggested this to be based on the rate set out within the Inverness East Development Brief, the current applicable rate is that which is set out within the Inshes and Milton of Leys Development Brief (IMLDB) which covers this allocation in the adopted IMFLDP. Financial contributions are also required towards bus service provision. This is necessary to clawback the cost of existing upfront bus service provision to serve the wider brief area and could be invested in shelter infrastructure.
- 8.55 Developments of 4 or more houses are required to contribute towards the enhancement or creation of new community facilities where a deficiency has been identified. The IMLDB identifies the need for contributions towards such infrastructure, including a community hall, Inshes District Park and playing fields. The development will also be expected to make provision for street furniture, public art and consider the requirement for any onsite play equipment; all of which can be conditioned.
- 8.56 The proposed development is in excess of 100 homes meaning that the DCSG's threshold for new / improved glass recycling point provision would be reached. The Council's Waste Services department has however previously confirmed that no such provision is required due to the proposed change in Scottish Government legislation to introduce a glass bottle deposit return scheme.
- 8.57 Representations have raised concerns with the development's impact on healthcare services. The Council's DCSG does not however identify a need for developers to contribute towards healthcare provision. Section 40A of The Planning (Scotland) Act 2019 contains provision for consideration to be given, before planning permission for a national development or a major development is granted, to the likely health effects of the proposed development. This part of the Act has not yet been enacted and it would not be reasonable to hold up determination of this application until those aspects of the Act are implemented. Having said that, officers have been in dialogue with NHS Highland over its future estates strategy, which includes GP premises, however the duty remains for the NHS to provide and manage these facilities.

#### **Other Material Considerations**

- 8.58 Given that part of the site has previously been subject to land raising with the presence of inert waste having been confirmed through site investigation, a materials handling plan is therefore required via suspensive planning condition, with this plan to remove this re-worked material from the top 1m of the site. Subject to this being undertaken, the Council's Contaminated Land Team has confirmed that further contamination investigation is not necessary.
- 8.59 In relation to built heritage, the latest amendments made to the site layout plans look to be an improvement for the setting of the adjacent listed building Helen's

Lodge. It would expect any development in the plots adjacent to the listed building to be sufficiently distant not adversely affect its setting, which can be conditioned. Should any historic boundary wall survive around the listed building, this is included within the curtilage of the listing and is afforded the same protection, with its retention to form part of any proposed boundary treatment plan with any alteration requiring Listed Building Consent. A condition is also sought requiring the undertaking of an archaeological watching brief.

- 8.60 The development will be required to meet current Building Standards in terms of sustainability and a condition can be included to ensure the applicant considers the environmental impacts of the design (including energy use). The construction period would likely give rise to carbon emissions. To off-set these emissions it is considered that tree planting should be secured. The tree planting proposed within the site will therefore have two roles, carbon off-set and augmenting the existing woodland within the development, with a scheme for the planting to be conditioned.

### **Non-Material Considerations**

- 8.61 The issue of loss of an outlook / view from a private property is not a material planning consideration. The issue of the applicant's reputation and track record is also not a material planning consideration with planning permission being tied to the land, rather than any named applicant or individual developer, with the potential remaining that site could be sold on with the benefit of any forthcoming planning permission in principle.

### **Matters to be Secured by Legal Agreement**

- 8.62 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to any permission being issued:
- a) Contributions to the delivery of enhanced Primary Education capacity within the City of Inverness, in the first instance a two classroom extension at Inshes Primary School (£2,041 per house or £1,157 per flat) plus land acquisition costs (£154 per house or £87 per flat);
  - b) Contributions to the delivery of enhanced Secondary Education capacity within the Millburn Academy Catchment Area, in the first instance to the delivery of a new school and/or major school extension to mitigate the impacts of the development (£3,482 per house or £1,875 per flat) plus new school land acquisition costs (£91 per house or £52 per flat);
  - c) Contributions to the delivery of community facilities, bus services, district park, playing fields, and drainage (£3,609 per home);
  - d) Contributions towards Inshes Corridor Road Improvement Scheme (£626 per home);
  - e) Contribution towards monitoring usage of the at grade A9 crossing which connects with Dell of Inshes Road (£15,000); and
  - f) Minimum of 25% affordable housing to be delivered on site with a scheme to be agreed prior to commencement of development.

- 8.63 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement or other appropriate mechanism to secure mitigation for the impacts of the development agreed by the Planning Service, to deliver to the Council a signed legal agreement. Should an agreement or other appropriate mechanism to secure the mitigation agreed by the Planning Service not be delivered within four months, the application may be refused under delegated powers for the following reason:

The proposed application has failed to conclude a legal agreement required to secure reasonable and proportionate contributions to secure mitigation for the impacts of the proposed development. As such the application is contrary to the provisions of Policy 31 (Developer Contributions) and / or Policy 32 (Affordable Housing) of the Highland-wide Local Development Plan and Policy 2 (Delivering Development) of the Inner Moray Firth Development Plan.

## **9. CONCLUSION**

- 9.1 The principle of providing housing on this site is supported by the IMFLDP and in the IMFLDP2 Proposed Plan. The number of properties to be included within the proposed development is also in broad accordance with the allocation. The site would be one of the last planned housing sites to be delivered within the area covered by the Inshes and Milton of Leys Development Brief. The application delivers a number of homes in an accessible location within the city.
- 9.2 There are a number of representations, including from Inshes and Milton of Leys Community Council, which oppose the principle of the development. It is however recognised that the applicant has brought forward modifications to the scheme and responded to community concerns, such as securing a safe means of access into the site, increasing the scale of SUDS basin to attenuate drainage, safeguarding important perimeter trees where possible, and preserving the setting of the adjacent listed building.
- 9.3 The details of the application have been assessed against the provisions of the Development Plan and accord with the policies contained therein. The constraints across the site have been shown to be respected and can be overcome. Impacts have largely been demonstrated to be mitigated through the indicative design and layout of the proposal with outstanding impacts able to be adequately mitigated through appropriately worded conditions and, where appropriate, secured through legal agreement.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **10. IMPLICATIONS**

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable



- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: mitigation has been secured to ensure that the proposed development enhances connectivity via means of active travel. Further mitigation has been secured to ensure the delivery of electric vehicle charging points.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

### Action required before decision issued

Conclusion of Section 75 Obligation / Legal Agreement Y

**Subject to the above**, it is recommended that planning permission be **GRANTED** subject to the following conditions and reasons:

1. Planning Permission in Principle is hereby granted for up to 101 homes with associated engineering works, landscaping, open space, parking, drainage and servicing and new accesses; all to be carried out in accordance with the indicative Site Layout Plan (Dwg No: PL-110, Rev I) hereby approved, except as otherwise provided for and amended by the terms of this approval.

No development shall commence on each phase or sub phase until a phasing plan setting out the proposed number of units within each phase or subphase has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority.

A Sub-Phase means any part of any Phase of Development the subject of an Approval of Matters Specified in Conditions issued by the Council following an application in that behalf, or otherwise subject of any equivalent planning approval following an application in that behalf.

**Reason:** To define the extent and terms of the development consent. To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages.

2. No development shall commence within each Phase, or sub-Phase, until an application, or applications, as they relate to or are relied upon by that Phase or sub-Phase has been submitted to and approved by the Planning Authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of the approved indicative Site Layout Plan (Dwg No: PL-110, Rev I), Designing Streets and other relevant national and local policy and guidance related to the matters set out below:
- a) Siting, design and external appearance of all buildings and other structures which shall be no more than 2 storeys in height, with all buildings to be set back from the principal north west elevation of neighbouring listed building Helen's Lodge to ensure that its setting would not be adversely affected;
  - b) Siting and layout of all self build plots, which shall be a minimum of 5% of total number of homes on site, with these to be made available for sale as serviced plots and be sold off individually to self-builders with the size of the plots to remain in accordance with the average plot size as shown on the approved indicative Site Layout Plan (Dwg No: PL-110, Rev I) with these plots to be located on the upper southern half of the site;
  - c) Details of sustainable design considerations inclusive of energy strategy;
  - d) Means of access to the site including:
    - i. The southern access linking to West Park Avenue to serve all modes of travel;
    - ii. The northern access linking to Cloverfield Road to serve as an initial site construction access, if required, and thereafter be designed for active travel use only;
  - e) Layout of the site, in accordance with Designing streets principles;
  - f) Road layout including:
    - i. The road hierarchy;
    - ii. typical form of the routes forming the hierarchy;
    - iii. Junction layouts and design;
    - iv. Junction and forward visibility requirements;
    - v. Junction spacing;
    - vi. Vehicle tracking at junctions and standard radii;
    - vii. Details of provision for cyclists and pedestrians (including on and routes linking to Dell of Inshes Road) with junctions and crossing designed to facilitate active travel;
    - viii. Provision for disabled users following consultation with the Inverness Access Panel;
    - ix. Details of safer routes to school (including traffic calming and road marking on Cloverfield Road and Inshes Road); and
    - x. Details of the location and type of service strips within the intended adoptable road boundary;
  - g) Provision of car parking inclusive of disabled parking including in curtilage parking, communal parking areas, parking courts and on-street parking

with no driveways being located in positions where they may conflict with traffic movements at junctions;

- h) Provision of covered cycle parking including resident cycle parking in houses and communal covered cycle parking at flats and external secure, covered visitor cycle parking at flats;
- i) Public open space provision, including a timetable for delivery, in accordance with the Open Space in New Residential Developments Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- j) Public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- k) Hard and soft landscaping, including a timetable for delivery;
- l) All boundary treatments within the site;
- m) Management and maintenance arrangements for (g) through to (l) above;
- n) Provision for service vehicles following occupation of the development;
- o) Provision of surface water drainage systems, including access or maintenance, across the Phase or sub-Phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements thereof;
- p) Water and waste water connections, with connections to the public water and waste water networks;
- q) Means of dealing with domestic waste in accordance with the Highland Council's Managing Waste in New Developments Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
- r) Details of existing trees, shrubs and hedgerows to be retained;
- s) Details of existing and proposed site levels with fall arrows;
- t) Details of finished floor levels; and
- u) Details of all external lighting ensuring that safety and security are addressed with no lighting directed skyward or towards habitat corridors.

**Reason:** Planning permission is granted in principle only and these specified matters must be approved prior to development commencing within each phase or sub-phase.

3. No development shall commence within each Phase or sub-Phase until details of the material palette for all building's external finishes, including roofs, walls, doors,

windows, rainwater goods, micro renewables (with reference to RAL numbers and manufacturer specifications), has been submitted to and approved in writing by the Planning Authority.

**Reason:** To promote a sense of individuality and sense of place within the development, in the interests of visual amenity.

4. Any details pursuant to Condition 2 above shall be informed by and include an Construction Environmental Management Plan (CEMP) and no development shall commence within each Phase, or sub-Phase, until the CEMP has been submitted to and approved in writing by the Planning Authority. The document shall specify and include:
- a) An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions;
  - b) Processes to control / action changes from the agreed Schedule of Mitigation;
  - c) Construction and demolition work or development associated with the proposed development shall only take place between the hours of 08:00 to 18:00 Mondays to Fridays and from 09:00 to 13:00 on Saturdays with no work on Sundays or Bank Holiday in Scotland (as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended)), unless otherwise agreed in advance in writing by the Planning Authority;
  - d) The following specific plans:
    - i. Habitat and Species Protection Plan (including Badger and Bat protection plans);
    - ii. Pollution prevention plan, including water management by way of SUDS;
    - iii. Dust management plan, including from construction traffic;
    - iv. Construction Noise, Vibration and Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise;
    - v. Site waste management plan, including details of a materials handling plan with details of existing and proposed site levels, with the plan to specify the removal of inert waste and re-worked material from the top 1m of the site;
    - vi. Measures to protect private water supplies; including an emergency response plan;
    - vii. Details of existing site boundary walls and fences to be retained, repaired or enhanced, and details of construction site access and means of enclosure; and
    - viii. Details of the location and extent of all construction compound and laydown areas, as well as timescales for their removal with ground

restoration / re-instatement.

- e) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities;
- f) Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties; and
- g) Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

The development shall proceed in accordance with the approved CEMP.

**Reason:** To protect the environment and amenity from the construction and operation of the development.

5. No development shall commence within each Phase or sub-Phase until pre-commencement surveys to locate the presence or absence of protected species have been undertaken and copies submitted to both the Planning Authority. This shall include additional bat and badger surveys with species protection plans to be followed. Should any protected species be found within or adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

**Reason:** To protect and enhance nature conservation from construction activities.

6. Any details pursuant to Condition 2 above shall be informed by and include an Access Management Plan (including details of footpaths and cycle ways and lighting (existing, during construction and upon completion and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the Planning Authority for each Phase or sub-Phase of the development. The plan shall show:
- a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
  - b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures; this shall detail no through access to West Drive;
  - c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc and how these will integrate with existing or proposed networks. Details shall include but not be limited to:
    - i. Pedestrian access to any and all core paths and rights of way;
    - ii. Construction details of all paths, inclusive of material finishes and drainage details; with all remote routes through woodland to detail a no dig solution within any root protection areas and elsewhere all paths and watercourse crossings shall be to Lowland Path

Construction Guide standards;

- iii. Any diversion of paths, temporary or permanent proposed for the purposes of the development; and
  - iv. The delivery of a remote active travel connection onto Dell of Inshes Road towards the south west of the site.
- d) The provision of traffic calming features on Cloverfield Road to enforce a 20mph speed limit, including a scheme of road marking on both Cloverfield Road and Inshes Road to help deliver safer routes to school and promote pickup / drop off parking in the most suitable locations in proximity of Inshes Primary.

The Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

**Reason:** In the interest of active travel, safety, amenity and tree root protection.

7. Any details pursuant to Condition 2 above shall include a scheme to promote and enhance active travel on Dell of Inshes Road, with no development or any works commencing within the site until details of a stopping-up / re-designation Traffic Regulation Order has been approved for Dell of Inshes Road, limiting its use by motor vehicles, with the inclusion of signage, road markings, bollards or barriers being introduced at the following locations unless otherwise agreed in writing with the Planning Authority:
- a) immediately north of the development's proposed southern access route linking with West Park Avenue; and
  - b) immediately north of the of the development's proposed northern access route linking with Cloverfield Road.

Thereafter, the approved scheme shall be implemented in full prior to the first occupation of the site.

**Reason:** To priorities safe active travel use of Dell of Inshes Road and to maintain suitable safe access through to the site.

8. Any details pursuant to Condition 2 above shall preclude use of the proposed northern site access onto Cloverfield Road by motorised vehicles, with its design to facilitate initial site construction access and provision of site service connections, and thereafter, enable active travel only from the sites first occupation for the lifetime of the development.

The approved permanent active travel access details shall be implemented in full prior to first occupation of the site.

**Reason:** To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003.

9. Any details pursuant to Condition 2 shall be supported by a Construction Traffic Management Plan (CTMP) which includes:
- a) Identification of the routes to site for construction traffic and details of the

number and type of vehicle movements anticipated on these routes during the construction period; with no construction access to be taken via West Drive;

- b) Scheduling and timing of movements, avoiding school pick up and drop off times for Inshes Primary School and Millburn Academy;
- c) Traffic management measures on the routes to site for construction traffic such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort;
- d) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
- e) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
- f) The provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984 under which the developer will be responsible for the repair of any damage to the local road network attributable to construction related traffic. As part of the agreement, pre-start and post construction road condition surveys must be carried out by the developer to the satisfaction of the Roads Authority. It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works;
- g) Provisions for emergency vehicle access;
- h) A timetable for implementation of the measures detailed in the CTMP; and
- i) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the Community Council informed and dealing with queries and any complaints regarding construction traffic.

The Construction Traffic Management Plan shall be implemented as approved prior to development commencing and remain in place until the development is complete.

**Reason:** In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

10. All roads intended to link with any future phases of development, or to other adjoining sites, shall be taken to the edge of the application site boundary with no impediments.

**Reason:** To ensure that future roads and routes can be provided without impediment.

11. Any details pursuant to Condition 2 above shall show car parking spaces provided and formed in accordance with The Highland Council's Roads and Transportation Guidelines for New Developments prior to first occupation of the element of the

development to which it relates, thereafter being maintained for this use in perpetuity.

**Reason:** To ensure adequate provision of car parking.

12. Any details pursuant to Condition 2 shall include and be informed by a scheme detailing the provision electric vehicle charging points. The scheme shall include:
- a) Identification of locations for communal electric vehicle charging points serving flatted developments in the associated phase or sub-phase and located in communal parking areas and these charging point locations are to be made available to The Highland Council or other public body for the installation of the charging point infrastructure;
  - b) The provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicles within the curtilage of each house in each phase or sub phase, where the house has in-curtilage car parking provision;
  - c) A timescale for implementation for infrastructure within each phase or sub phase; and
  - d) Outline detail of a communication pack to be provided to each household on first occupation explaining how they can access electric vehicle charging infrastructure.

The approved scheme(s) shall be implemented in line with the approved timescales.

**Reason:** To facilitate the move toward the reduction in reliance of petrol and diesel cars.

13. No Phase or sub-phase shall be occupied until a detailed Residential Travel Pack for the relevant phase or sub-phase, which sets out options for residents for reducing dependency on the private car, has been submitted to, and approved in writing by, the Planning Authority. This shall include:
- a) Timetables for all buses serving or passing close to the site;
  - b) Descriptive information and maps of active travel routes to nearby facilities and attractions and, public transport routes to those outwith walking distance;
  - c) Information relating to school travel;
  - d) Details of electric vehicle charging provision; and
  - e) City car club and taxi service details.

The Residential Travel Pack shall be provided to each property within the relevant phase or sub-phase on first occupation of each property.



**Reason:** To facilitate the reduction in the use of private cars and increase use of sustainable and active travel.

14. Any details pursuant to Condition 2 above shall include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS). The finalised drainage design shall include simulations of the full drainage network including the storage features and pipework for all storms up to the 200 year plus climate change event and be designed to the standards outlined in the CIRIA Manual and Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time. This shall also detail updated greenfield run-off rates to reflect the details of the proposed development with discharge being limited to the agreed 2 year greenfield runoff rate.

Thereafter, approved details shall be implemented and all surface water drainage provision for the relevant phase or sub-phase shall be completed prior to the occupation of the relevant phase or sub-phase.

**Reason:** In the interests of amenity, to protect and enhance the natural environment, protect the water environment and prevent pollution.

15. The development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish Water or another responsible authority shall remain the responsibility of the developer and maintained in line with the scheme to be approved.

**Reason:** To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

16. Any details pursuant to Condition 2 shall include details of surface water runoff from the greenspace areas (i.e. those areas not drained through the SUDS) and originating from higher ground to the south east of the development, with the provision of measures to protect existing and new properties from surface water/overland flow.

**Reason:** In the interests of amenity and drainage of the development.

17. Any details pursuant to Condition 2 shall include details of:
- a) A 6m buffer from the top of the bank of any watercourse where no development can take place;
  - b) New watercourse crossings conveying the 1 in 200m year flow plus climate change and an additional freeboard, with an updated Flood Risk

Assessment to demonstrate how this will be achieved; and

- c) Any proposal to replace the West Park Avenue culvert crossing shall include design details of the existing and proposed culvert(s), accompanied by an assessment of the impact of such development on the localised flooding.

Thereafter, the approved details shall be implemented.

**Reason:** To ensure access to the watercourses can be maintained for maintenance and in the interest of avoiding impact on the watercourse which has the potential to increase risk of flooding.

18. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration or similar mechanical services, including fans, ducting and external openings shall be installed, maintained and operated such that any operating noise complies with Noise Rating Curve 20 and details and a noise assessment of each installation will require to be submitted for the written approval of the Planning Authority.

**Reason:** In the interests of amenity.

19. Any details pursuant to Condition 2 above shall be informed by and include a Waste Management Strategy for each phase or sub-phase. This shall detail the approach to sustainable waste management in the operational of all aspects of development with identification of bin stores, bin collection points, and refuse vehicle collection routes in each phase or sub-phase.

**Reason:** In the interests of amenity, to manage waste and prevent pollution.

20. With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason:** In order to ensure the protection of retained trees, which are important amenity assets, during construction.

21. Any details pursuant to Condition 2 above shall include and specify:
  - a) A 20m setback from all existing trees to be retained and all proposed homes;
  - b) An updated Arboricultural Assessment;
  - c) An updated Tree Constraint and Protection Plan in accordance with BS 5837:2012, which shall specify the retention of perimeter trees and vegetation along West Drive, including the retention of 5 category B Ash trees (references T825 through to T829), which have been identified for removal, but are capable of retention based on the most up to date

amended SUDS basin design;

- d) An updated Arboricultural Method Statement;
- e) Tree and Woodland Management Plan for existing woodlands; and
- f) Details of the appointment of a suitably qualified Arboricultural consultant to ensure that the approved Tree Protection Plans and Arboricultural Method Statement (AMS) are implemented to the agreed standard. Stages requiring supervision are to be set out in an Arboricultural Supervision Statement and certificates of compliance for each stage are to be submitted for approval of the Planning Authority.

Thereafter, development shall progress in line with the approved details, unless otherwise agreed in writing by the Planning Authority.

**Reason:** In order to ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter.

22. Any details pursuant to Condition 2 above shall include details, including full specifications, for the layout, design and construction of open space and recreation facilities that comply with the Highland Council's adopted standards contained within Open Space in New residential Development for that Phase shall be submitted to and agreed in writing by the Planning Authority. The details shall include:

- a) The southern site boundary's landscape and habitat corridor to be a minimum of 20m in width, with this to be designed to discourage public access;
- b) All other perimeter landscape and habitat corridors to be a minimum of 10m in width, with these to be designed to discourage public access, with the exception of the remote footpaths promoted along the western site boundary; and
- c) All landscape and habitat corridors to remain in communal ownership for the purposes of factoring and future maintenance, with no areas to be incorporated within any adjacent housing plots.

The agreed scheme shall be implemented thereafter to the satisfaction of the Planning Authority.

**Reason:** In the interests of amenity, to ensure that open space and recreational facilities are in accordance with Council standards and in the interest of protected species.

23. Prior to the first occupation of each Phase, or sub-Phase, a scheme for the maintenance in perpetuity of all on-site green spaces, including trees and woodland, for all parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland

Council or Scottish Water for that Phase of sub-Phase, shall be submitted to and agreed in writing by the Planning Authority.

The agreed scheme, which shall accord with the Highland Council's adopted standards contained within Open Space in Residential Development, shall be implemented thereafter.

**Reason:** In the interests of amenity and to ensure that communal infrastructure on the site is maintained in accordance with the Council's standards.

24. Any details pursuant to Condition 2 shall include details of a scheme of hard and soft landscaping works related to that Phase or sub-Phase of the development. Details of the scheme shall include:

- a) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- b) A plan showing existing landscaping features and vegetation to be retained;
- c) The location and design, including materials, of any proposed walls, fences, gates, seating and other landscaping features, within each open space, including 1:20 scale plans showing the detail of each feature; with all boundary means of enclosure being defined in terms of its future maintenance responsibilities;
- d) The location, type and design, including materials product name and specification, of any proposed play equipment and associated safety features (if required), including 1:20 scale plans, within each open space;
- e) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- f) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of that phase of development to which the scheme relates.

Any trees or plants which within a period of five years from the completion of the phase of development to which they relate, die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

25. No development or any works shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work. Their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

a) Ensuring that the approved Landscape Plans are implemented to the agreed standard;

b) Ensuring compliance with the Construction Environmental Management Plan and specifically the site waste and materials handling plan; and

c) The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate.

**Reason:** In order to ensure that the approved landscaping works are undertaken on site.

26. Any details pursuant to Condition 2 shall include a scheme for the inclusion of public art within the development. The scheme shall include:

a) Detailed design and location of public Art provision;

b) The management and maintenance of any and all public art provision; and

c) A timetable for implementation.

Thereafter, the approved scheme shall be implemented in accordance with the timescales contained in the approved scheme and maintained in perpetuity.

**Reason:** To ensure the delivery of a development with a unique identity which facilitates the creation of place.

27. Any details pursuant to Condition 2 shall be supported and informed by an archaeological watching brief to be carried out during site clearance and excavation works. No development or work (including site clearance) shall commence until the watching brief has been approved and thereafter, the watching brief shall be implemented.

**Reason:** To ensure the protection and/or recording of the historical and archaeological interest that may be found on the site.

## **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE**

The Highland Council hereby makes the following Direction under Section 59(5) and (7) of the Town and Country Planning (Scotland) Act 1997 (as amended). An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiry of THREE YEARS from the date on this decision notice;
- ii. The expiry of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiry of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions applicable to that phase (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then planning permission in principle shall lapse.

## **INFORMATIVES**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

## **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

## **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

## **Septic Tanks and Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

## **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_f\\_or\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_f_or_working_on_public_roads/2)

## **Mud and Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road

network and maintain this until development is complete.

### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie  
Designation: Area Planning Manager – South  
Author: Peter Wheelan  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans:

Plan 1 - Site Location	PL-101, Rev D	17.12.20
Plan 2 - Site Layout with Access Points	PL-102	17.12.20
Plan 3 - Proposed Site Layout Plan (Illustrative)	PL-110, Rev I	17.03.22
Plan 4 - Tree Protection Plan - Overview	Sheet 1 of 3, Rev F	22.12.21
Plan 5 - Tree Protection Plan - North	Sheet 2 of 3, Rev F	22.12.21



Plan 6 - Tree Protection Plan - South	Sheet 3 of 3, Rev F	22.12.21
Plan 7 - Drainage Layout Plan - Sheet 1 of 2	180266-920, Rev 3	13.05.22
Plan 8 - Drainage Layout Plan - Sheet 2 of 2	180266-921, Rev 3	13.05.22
Plan 9 - Road Layout - Sheet 1 of 2	180266-906, Rev 3	17.05.22
Plan 10 - Road Layout - Sheet 2 of 2	180266-907, Rev 3	17.05.22
Plan 11 - Section Plan – Southern Access Road	180266-000-CAM-DR-C-910	22.12.21
Plan 12 - Site Plan (showing section locations)	180266-000-CAM-SK-C-001, Rev 1	22.12.21

Appendix 2 – Legal Agreement Heads of Terms

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount* <sup>1</sup>	Index Linked <sup>1</sup>	Base Date* <sup>2</sup>	Payment Trigger* <sup>3</sup>	Accounting Dates* <sup>4</sup>	Clawback Period* <sup>5</sup>
<b>Schools<sup>2</sup></b>									
Primary – Build Costs	2 Classroom Extension (Inshes PS catchment)	£2,041	£1,157	TBC	BCIS	Q2 2018	TOC/CC	Apr/Oct	15
Primary – Land Costs		£154	£87	TBC	N/A	N/A	N/A	N/A	N/A
Secondary – Build Costs	New School (Milburn Academy catchment)	£3,482	£1,875	£TBC	BCIS	Q2 2018	TOC/CC	Apr/Oct	15
Secondary – Land Costs		£91	£52	£TBC	No		TOC/CC	Apr/Oct	15
<b>Community Facilities</b>	Community facilities to be spent within the Millburn Academy catchment (As per Inshes and Milton of Leys Development Brief: Library/Service Point (£49.26), Community Hall (£106.06), and Neighbourhood Shop (£250): £399.32 indexed from Q4 2004 to Q2 2018)	£589	£589	£TBC	BCIS	Q2 2018	TOC/CC	Apr/Oct	15
<b>Affordable Housing</b>	25% (101 homes proposed, x 0.25 = requirement for 25.25 (rounded down to 25) affordable homes to be delivered on site).								
Agreement for Delivery Needed	Y – Scheme for delivery to be agreed prior to development commencement.	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Transport</b>									
Public Transport	Bus Services (As per Inshes and Milton of	£198	£198	£TBC	BCIS		TOC/CC	Apr/Oct	15

<sup>1</sup> If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

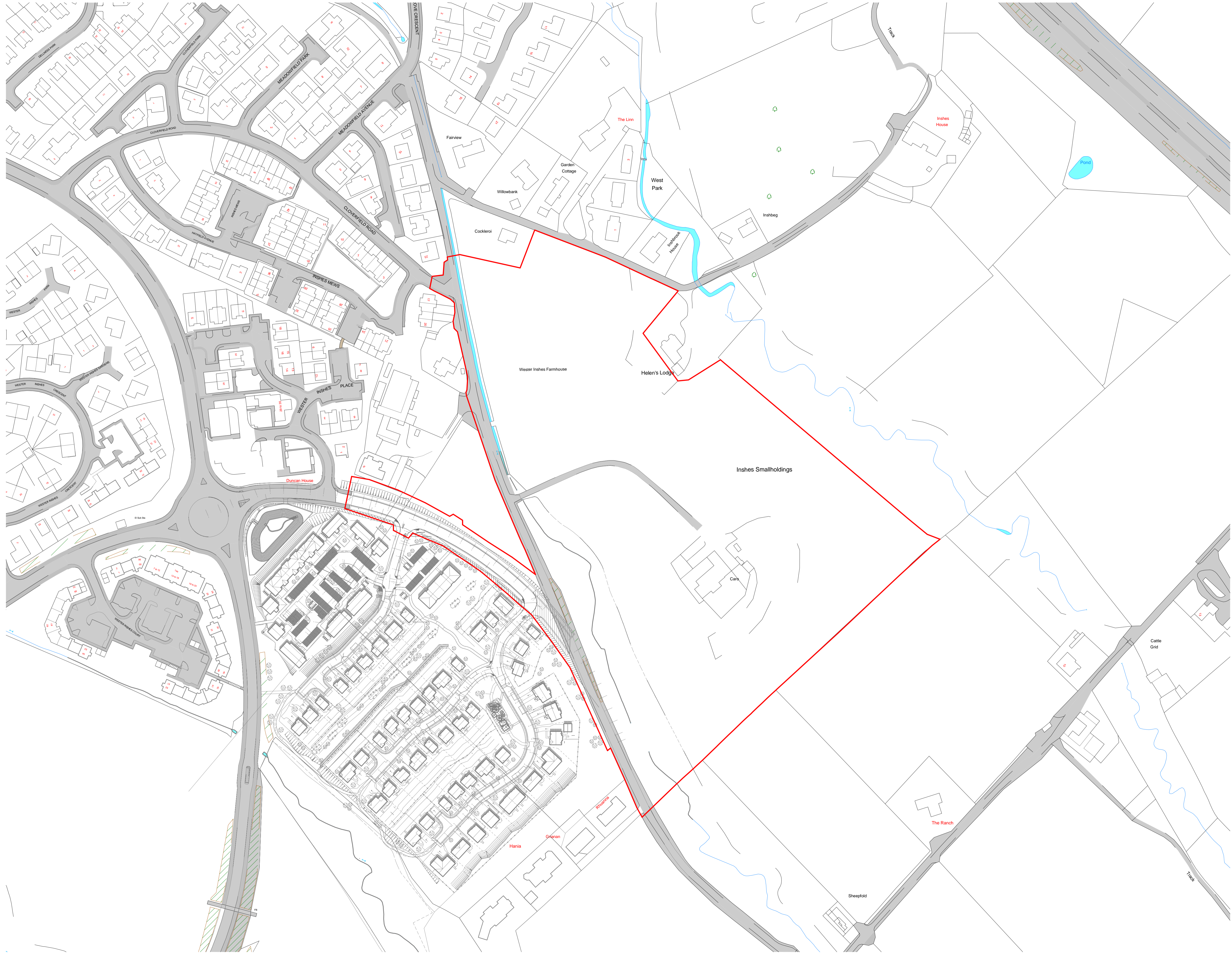
<sup>2</sup> 1 bed houses/flats are exempt from school contributions.

	<i>Leys Development Brief: Public Transport: £134.27 indexed from Q4 2004 to Q2 2018)</i>								
Road Improvements	Inshes Roundabout <i>(As per Inshes and Milton of Leys Development Brief: £424.48 indexed from Q4 2004 to Q2 2018)</i>	£626	£626	£TBC	BCIS		TOC/CC	Apr/Oct	15
Road Traffic Orders / Active Travel	Physical provision for active travel improvements along Dell of Inshes Road. Developer to fund TROs.								
A9 Footfall Monitoring	£15,000 towards a 5 year period of monitoring with contribution required in full prior to development commencement.	N/A	N/A	N/A	BCIS	Q1 2021	Prior to Development Commencement	N/A	15
<b>Green Infrastructure</b>									
District Park	Inshes Park <i>(As per Inshes and Milton of Leys Development Brief: acquisition (£550) laying out (£848) and maintenance (£315) £1,713 indexed from Q4 2004 to Q2 2018)</i>	£2,526	£2,526	£TBC	BCIS		TOC/CC	Apr/Oct	15
Playing Fields	Playing Fields <i>(As per Inshes and Milton of Leys Development Brief = £200.74 indexed from Q4 2004 to Q2 2018)</i>	£296	£296	£TBC	BCIS		TOC/CC	Apr/Oct	15
Onsite Open Space	Onsite provision and maintenance to be factored.								
<b>Water and Waste</b>									
SuDs	SuDS basin to be designed to adoptable standard by Scottish Water.								
Glass Recycling	N/A – Glass bottle deposit and return scheme now anticipated.								
Public Art	Onsite Provision								
<b>Totals</b>									
<b>Total Per House</b>	<b>£10,003</b>								
<b>Total Per Flat (2 Beds)</b>	<b>£7,406</b>								
	Plus £15,000 for A9 Footfall Monitoring.								

\*1 Adjust total to take account of flat exemptions

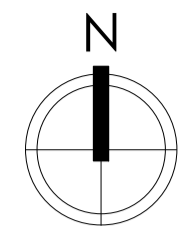
\*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

- \*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate
- \*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)
- \*5 Clawback – 15 years for Major development; 20 years for Local development

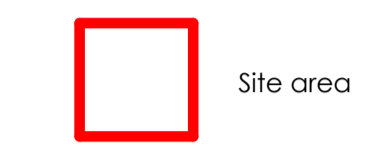


Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. If IN DOUBT ASK.

CDM: Hazard Identification & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of 'The Construction (Design and Management) Regulations 2015' and the associated 'Industry Guidance for Designers'



0 25 50 75m  
Scale 1:1250



Rev	Description	Date
D	Further red line amended	18.12.20
C	red line amended with HC area	09.12.20
B	paths added	02.03.20
A	North arrow / scale bar / site area added	18.12.19



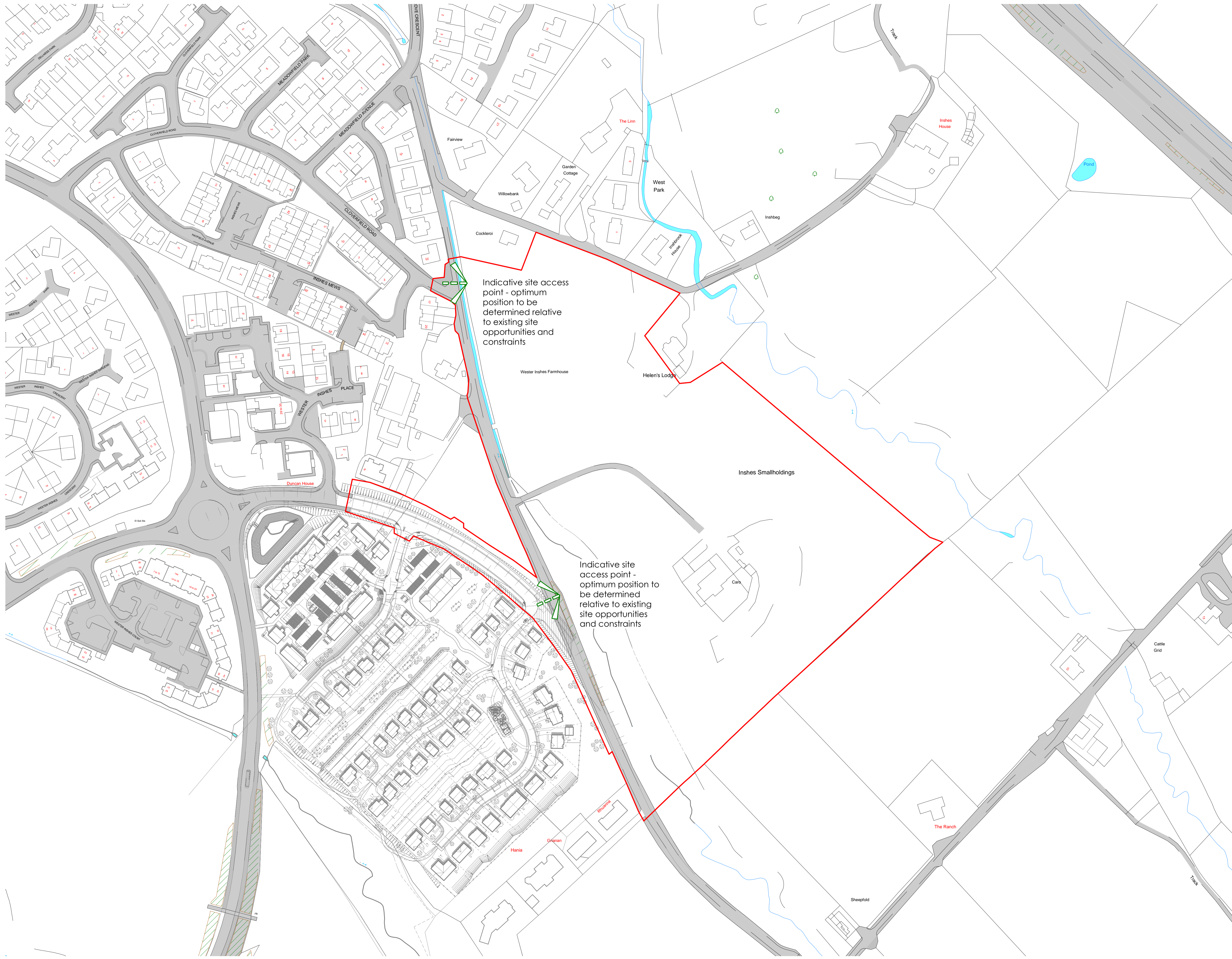
Lyle House, Fairways Business Park,  
Inverness IV2 6AA  
T : 01463 712 288  
W : www.colinarmstrong.com



Client	Ryden
Project	Proposed Housing at Wester Inshes
Project No.	1881
Drawing No.	PL-101
Revision	D

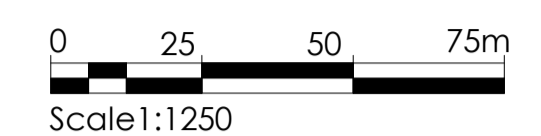
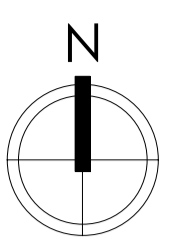
Location Plan	
Status	PLANNING
Date Created	05.03.19
Scale	1 : 1250
Drawn by	AL
Sheet	@ A1

From file: X:\Documents\1881 - Housing at Wester Inshes, Inverness\02 - WORK IN PROGRESS\2.1 BIM Models\1881\_CAA\_187\_2019\_Wester Inshes\_Site Layout.rvt  
Printed on: 15/12/2020 14:41:12



Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. IF IN DOUBT ASK.

CDM: Hazard Identification & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of 'The Construction (Design and Management) Regulations 2015' and the associated 'Industry Guidance for Designers'



Scale 1:1250



Site area

Indicative site access point - optimum position to be determined relative to existing site opportunities and constraints

Indicative site access point - optimum position to be determined relative to existing site opportunities and constraints

Rev	Description	Date
-----	-------------	------



**COLIN ARMSTRONG ARCHITECTS**

Lyle House, Fairways Business Park, Inverness IV2 6AA

T : 01463 712 288

W : www.colinarmstrong.com



Client: Ryden

Project: Proposed Housing at Wester Inshes

Project No. 1881

Drawing No. PL-102

Revision

Location with Access Points

Status: Planning

Date Created: 12/15/20

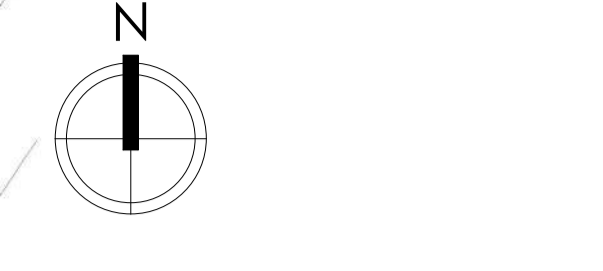
Scale: 1 : 1250

Sheet: AL @ A1

From file: X:\Documents\1881 - Housing at Wester Inshes, Inverness\02 - WORK IN PROGRESS\2.1 BIM Models\1881\_CAA\_102\_2019\_Wester Inshes\_Site Layout.rvt  
Printed on: 14/12/2020 10:36:47

Figure dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. If in DOUBT ASK.

CDM: Hazard Identification & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of The Construction Design and Management Regulations 2015 and the associated 'Practical Guidance for Design'.



- 2 bed 4 person cottage flats (2 up 2 down) 32no. total
  - 3 bed 5 person semis 20no. total
  - 4 bed 8 person detached 7no. total
  - Self build plots 30no. total
- 89 no. total units (affordable provision 23)



Rev	Description	Date
I	SUDS basin amended	03.03.22
H	SUDS basin amended	14.03.22
G	Second access redesigned to suit transport planning comments	09.12.21
F	Second access design amended	01.09.21
E	Final design presented to engineer	08.02.21
D	Second access shown	13.01.21
C	South plot reserved	08.01.20
B	South plot reserved	07.07.20
A	Issue released	02.03.20

**COLIN ARMSTRONG ARCHITECTS**  
 Lyle House, Fairways Business Park,  
 Inverness IV2 6AA  
 T : 01463 712 288  
 W : www.colinarmstrong.com

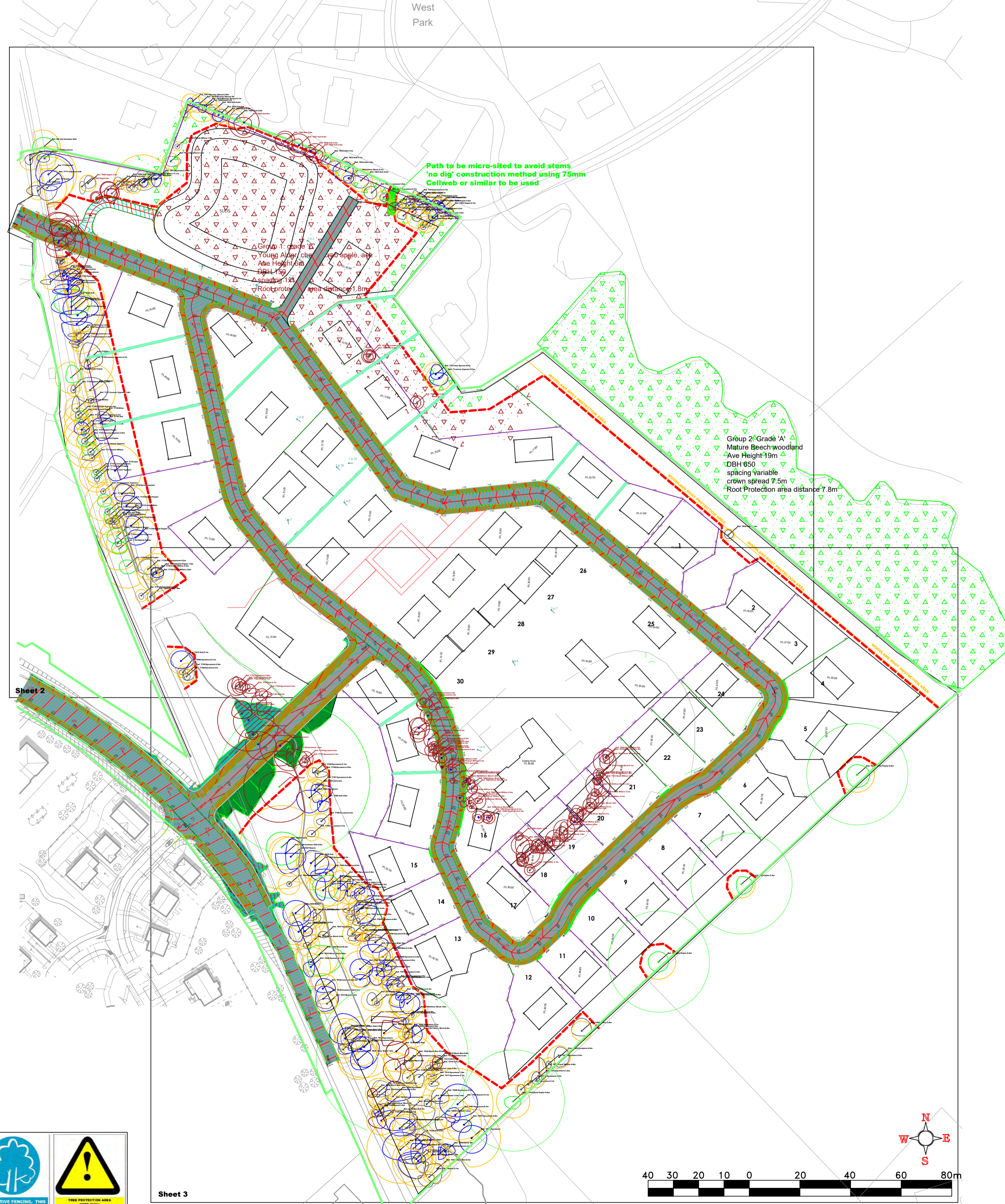


Client: Ryden  
 Project: Proposed Housing at Wester Inshes

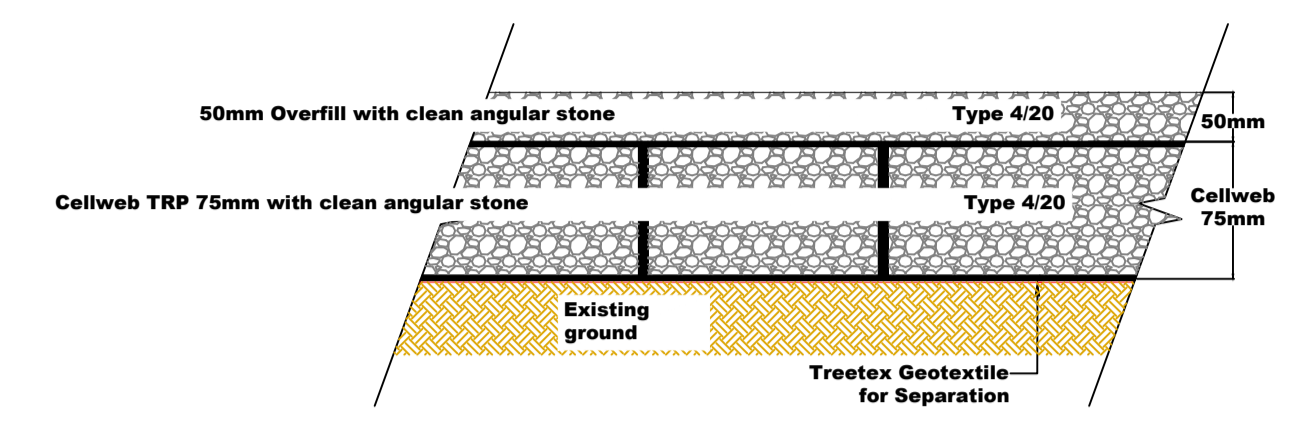
Project No. 1881  
 Drawing No. PL-110  
 Revision I  
 Proposed Site Layout

Site: PLANNING  
 Date Checked: 09/21/17  
 Scale: As indicated  
 Sheet: 8 of AD

# Tree Protection Plan Rev F- Overview



## Cellweb 'No Dig' TRP path construction detail:



**Cellweb® TRP Installation Guide**

**PRODUCT DATA SHEET**

Cellweb® TRP is a 'No Dig' tree root protection measure and it is recommended that no excavation be performed without prior approval and guidance from the Local Authority Arboricultural Officer.

**Installation Method**

- Prepare the Surface**
  - Remove the surface vegetation using appropriate hand tools or herbicide (see Note 1).
  - Remove any surface rocks, debris and organic material.
  - Do not seal off high spots or compact the soil through laying.
- Lay out the Treeex® Pollution Control Geotextile**
  - Lay out the Treeex™ over the prepared area, ensuring the edges of the required area by 300mm.
  - Overlap any joints by 300mm minimum or more, depending on soil structure (see Note 2).
  - Create a level surface by filling any hollows with clean angular stone or sleep sand.
- Lay out the Cellweb® TRP Cellular Confinement System**
  - Lay out the Cellweb® TRP on top of the Treeex™.
  - Place one of the supplied pins into the center of all the way of the panel and secure into the ground.

**Cellweb® TRP - Installation Guide**

**Cellweb® TRP - Installation Guide**

- Pull out the Cellweb® TRP to its full 8.1m length and secure to length with another 1 pin.
- Now measure its width to 2.25m and secure in each of the corners with the 1 pins.
- Use 10 pins per panel to create a panel measuring 8.1m x 2.25m.

**Notes:**

- This will produce a cell size of 259mm x 224mm which is the required cell aperture. Each cell must be fully extended and under tension.
- Staple adjacent panels together at each cell (see Note 3).
- If a curved path or shape is required this should be cut when the Cellweb® TRP panels are pinned out to 8.1 x 2.25m, ensuring complete cells remain. Do not try to curve or bend the Cellweb® TRP panels into place.
- When cutting Cellweb® TRP, please bear in mind that you will lose two internal cells per cut. Across a 8.1m long panel, this equates to a loss of 0.224m x 2 along the length or 0.259m x 2 across the width.

**Cellweb® TRP - Installation Guide**

**NOTES**

- Herbicide** According to BS5837:2012 'The use of herbicides in the vicinity of existing trees should be appropriate for the type of operation to be undertaken, and all instructions, warnings and other relevant information from the manufacturer should be strictly observed and followed. Care should be taken to avoid any damaging effects upon existing plants and trees to be retained, species to be introduced, and existing sensitive habitats, particularly those associated with ancient or ancient wood.'
  - 2. **Geotextile** We recommend the installation of a Treeex™ under the Cellweb® TRP or under the sub-base, if installed the overlapping between adjacent sheets should be 300-350mm minimum, CRB between 75 and 100mm minimum.
  - 3. **Staples** Number of staples should be 100mm x 100mm x 4.5mm, 100mm x 100mm x 3mm, 100mm x 100mm x 3mm.
  - 4. **Granular FFB** Open graded sub-base, clean angular stone Type 4/20 or Type 20/40. Please refer to BS7533-1:2009 and to the Design Manual for Roads and Bridges Volume 1: Geotechnical Engineering, Section 1: Earthworks, 14.4.0.1, Volume 7 - JN 7500 Design Guidance for road pavement foundations and Manual of Contract Documents for Highway Works (MCHW), Volume 1: Specification for Highway Works for the construction and maintenance of the FFB material.
- Edge restraints**
  - Excavations for kerbs and edgings should be avoided within the TRP.
  - Where edging is required for footpath and light structures, a peg and treated timber board edging is acceptable.
  - Other options include concrete sleepers, kerb edging connected on top of the Cellweb® TRP system, plastic and metal edging etc.
- Surface options**
  - All surfaces in Root Protection Areas must be porous. Surfaces can include porous block paving, porous asphalt, loose gravel, grass and gravel, permeable concrete, brick, cobble, resin bound gravel, concrete and grass turf.

**Urban-Arb**  
Arboricultural Consultants

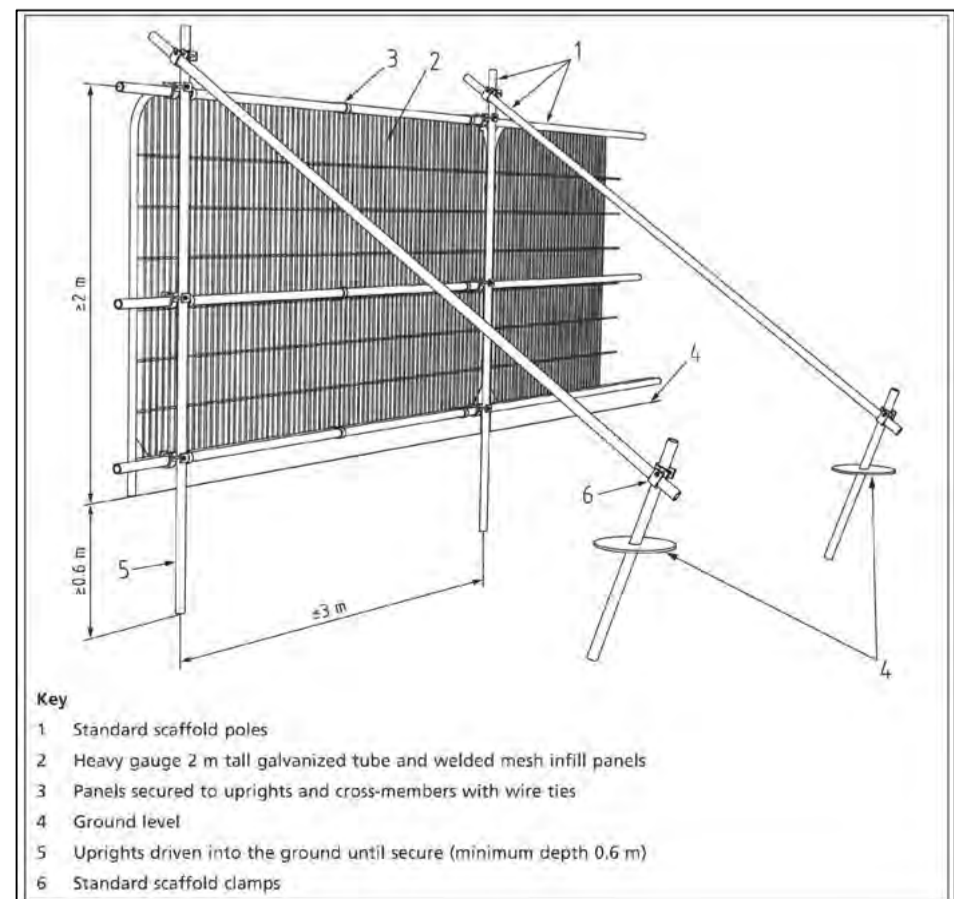
### Tree Protection Guidelines

In order to safeguard the trees on this site please observe the following:

- Do not move the tree protection barriers
- Do not enter the protected area
- Report any damage to protection barriers at the site office
- Do not use the area within the protection barriers to store or mix materials
- Do not carry out any excavation works within the protection barriers
- Avoid handling fuels or liquid contaminants within 10 metres of the protected area.

**In the event of damage to a retained tree on this site please contact:**

Arboricultural: Callum McCutcheon  
Tel: 01743 621763  
Mob: 07768785488



General Notes

**KEY**

- Tree Reference, Common Name and Root Protection Area radius
- Ref: T001 Silver Birch 2.3m
- Stem
- Tree Canopy
- Root Protection Area (RPA)

Colours are in accordance with BS5837:2012 quality grading:

**Red: Unsuitable for retention**  
**Grey: Low quality**  
**Blue: Moderate quality**  
**Green: High quality**

**Root Protection Area (RPA):** The minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority (BS5837:2012)

- Area of trees/Woodland to be retained
- Area of young trees to be removed
- Tree Protection Fencing
- 75mm Cellweb root protection panels

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 22.08.2019

**Urban-Arb**  
Arboricultural Consultants

No.	Revision/Issue	Date

Firm Name and Address

**Urban-Arb LLP**  
Dolphin Cottage  
11 The Muir  
Bogmoor  
Spey By  
Fochabers  
Moray IV32 7PN  
www.urban-arb.com

Project Name and Address

**Land at Wester Inshes Inverness**

Project  
**TREE PROTECTION PLAN**

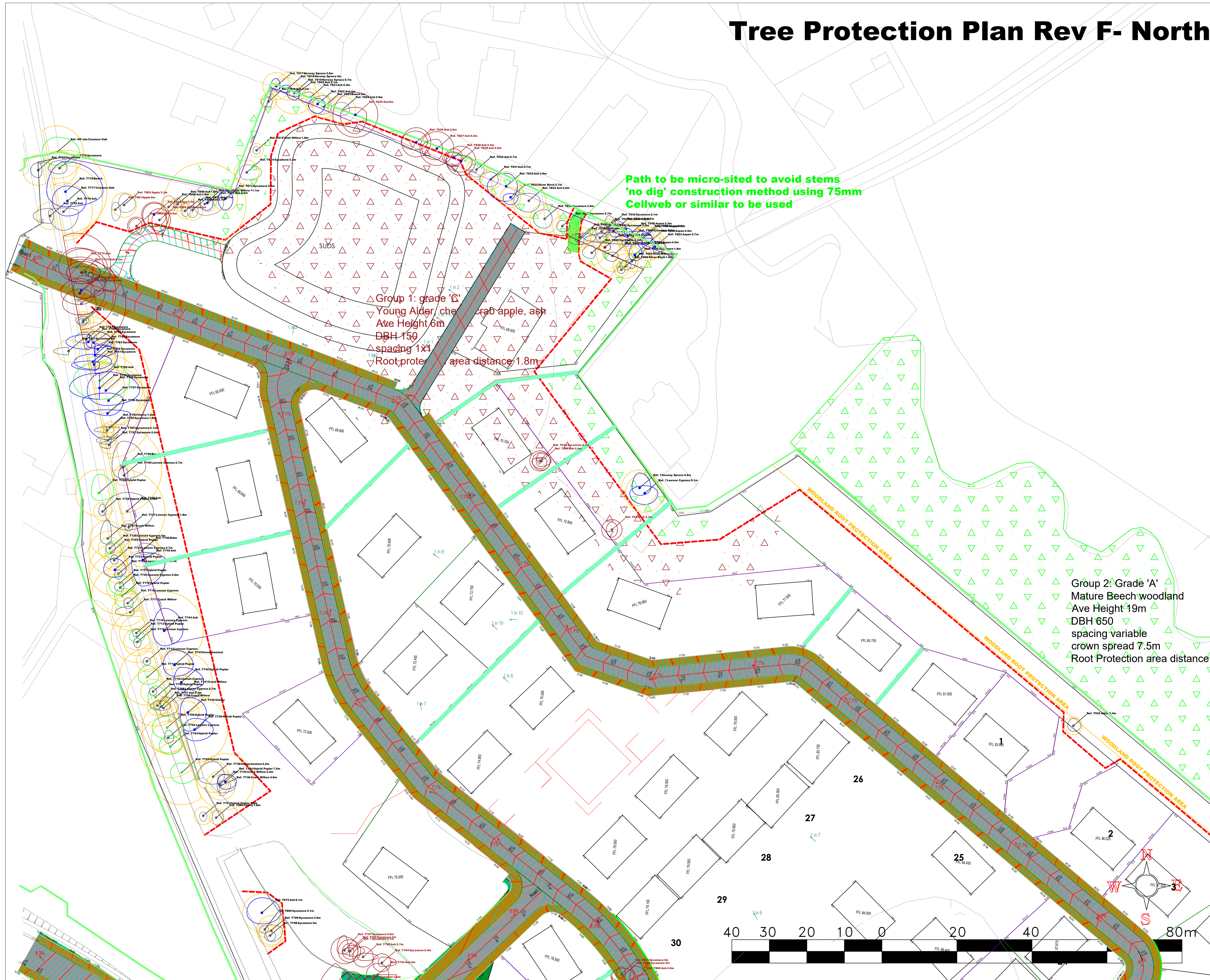
Date  
**20.12.2021**

Scale  
**1:1000@A1**

Sheet  
**1 OF 3**



# Tree Protection Plan Rev F- North



Path to be micro-sited to avoid stems  
'no dig' construction method using 75mm  
Cellweb or similar to be used

Group 1: grade 'C'  
Young Alder, cherry, crab apple, ash  
Ave Height 6m  
DBH 150  
spacing 1x1  
Root protection area distance 1.8m

Group 2: Grade 'A'  
Mature Beech woodland  
Ave Height 19m  
DBH 650  
spacing variable  
crown spread 7.5m  
Root Protection area distance 7m

General Notes

**KEY**

- Tree Reference, Common Name and Root Protection Area radius
- Stem
- Tree Canopy
- Root Protection Area (RPA)

Colours are in accordance with BS5837:2012 quality grading:

- Red: Unsuitable for retention
- Grey: Low quality
- Blue: Moderate quality
- Green: High quality

**Root Protection Area (RPA):** The minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority (BS5937:2012)

- Area of trees/Woodland to be retained
- Area of young trees to be removed
- Tree Protection Fencing
- 75mm Cellweb root protection panels

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 22.08.2019

**Urban-Arb**  
Arboricultural Consultants

No.	Revision/Issue	Date

Firm Name and Address

**Urban-Arb LLP**  
Dolphin Cottage  
11 The Blair  
Bogmoor  
Spey By  
Fochabers  
Moray IV32 7PN  
www.urban-arb.com

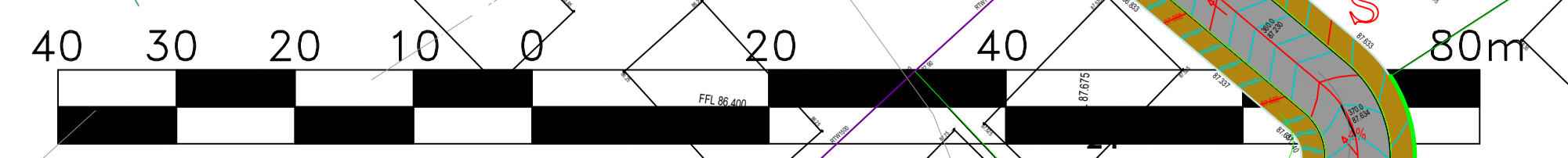
Project Name and Address

**Land at Wester Inshes  
Inverness**

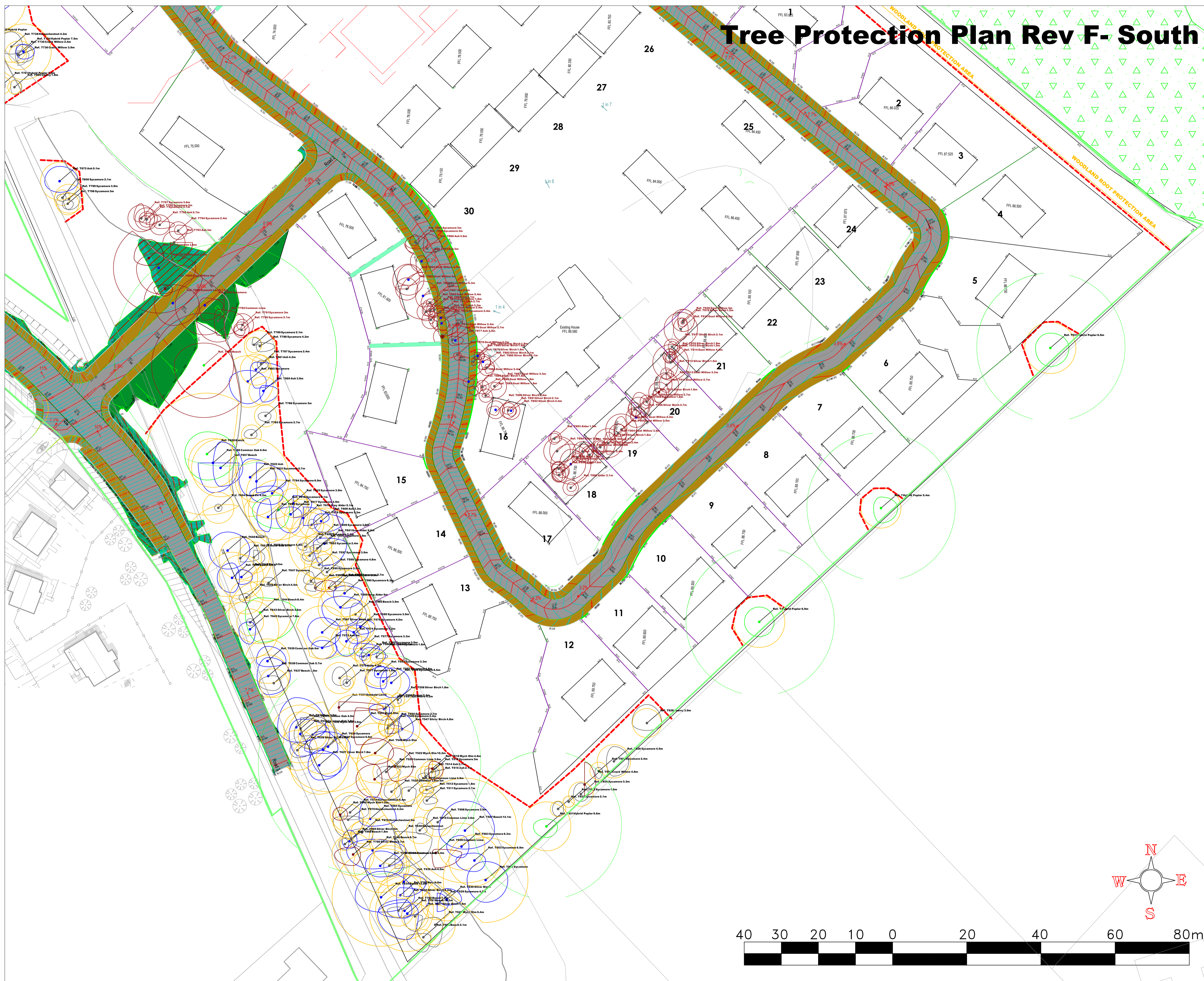
Project: **TREE PROTECTION PLAN** Sheet: **2 OF 3**

Date: **20.12.2021**

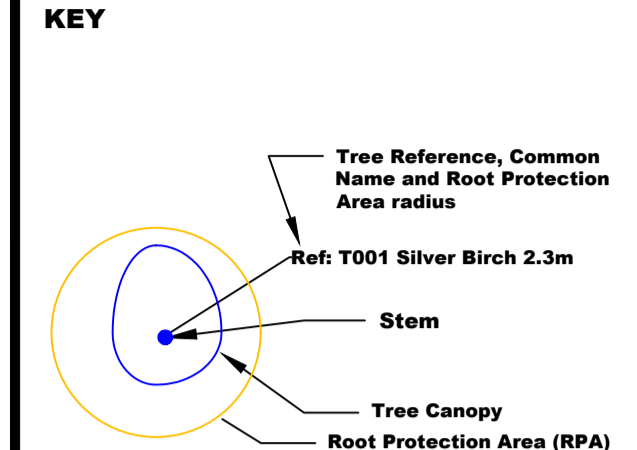
Scale: **1:500@A1**



# Tree Protection Plan Rev F- South



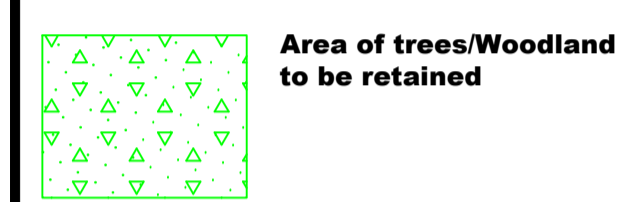
## General Notes



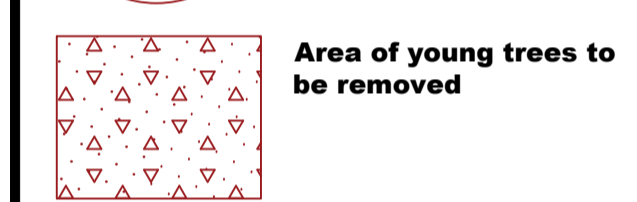
Colours are in accordance with BS5837:2012 quality grading:

- Red: Unsuitable for retention
- Grey: Low quality
- Blue: Moderate quality
- Green: High quality

**Root Protection Area (RPA):** The minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority (BS5937:2012)



### TREE TO BE REMOVED



--- Tree Protection Fencing



Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 22.08.2019



No.	Revision/Issue	Date

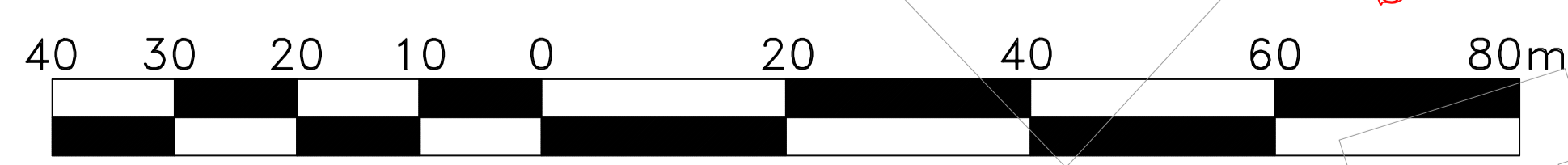
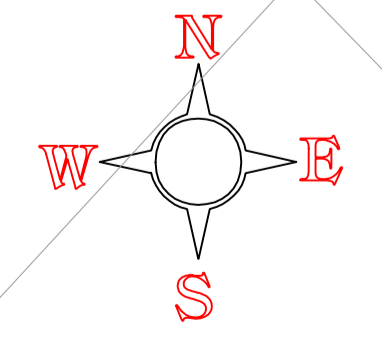
Firm Name and Address

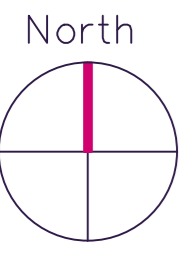
**Urban-Arb LLP**  
 Dolphin Cottage  
 11 The Muir  
 Bogmoor  
 Spey By  
 Fochabers  
 Moray IV32 7PN  
 www.urban-arb.com

Project Name and Address

**Land at Wester Inshes**  
 Inverness

Project <b>TREE PROTECTION PLAN</b>	Sheet
Date <b>20.12.2021</b>	<b>3 OF 3</b>
Scale <b>1:500@A1</b>	





**FFL 72.800** Indicative Finished Floor Levels. To be detailed at Detailed Design Stage.

**Surface Drainage**

Indicative Surface Water Sewer network: Subject to Detailed Design. Surface Water Network to be adopted by Scottish Water.

Indicative Surface Water Chamber: Subject to Detailed Design. To be adopted by Scottish Water.

Indicative Road Gully Subject to Detailed Design. Road Gullies and Falls to be adopted by Highland Council Roads Department.

Indicative Disconnecting Chamber to individual plots. Subject to Detailed Design.

**Note**

All Surface Water Chambers, Sewers, treatment and attenuation assets as well as the proposed SuDS Basin to be adopted and maintained by Scottish Water.

Proposed Gullies and Gully tails to be adopted and maintained by The Highland Council Roads Department.

Proposed Ridgistorm-X4 Surface Water Treatment Device to provide appropriate treatment for portion of Western Access Road that will not be drained towards the SuDS Basin. To be adopted by Scottish Water.

1200mm Secondary Control Chamber to limit site discharge to Allowable in 2 Year Discharge of B4L/s (B4L/s from SuDS Basin and OAL/s runoff from the first 65m of the Western Access Road). Proposed Orifice Size 7mm.

Proposed Filter Trench to provide additional treatment and attenuation. 10.0m Long x 1.0m Wide x 1.0m Deep.

2400mm Control Chamber to Limit SuDS Basin Discharge to Allowable 1 in 2 year Discharge of B4L/s specific for the proposed number of plots and impermeable areas such as roads and footways.

Existing house position based on Topographical Survey. Levels relation between existing property and proposed road to be detailed at detailed design stage.

3	Updated Drainage Notes and Legend	GCO	03/05/22
2	Added Ridgistorm-X4 Chamber	GCO	16/03/22
1	Updated as per THC comments	GCO	07/03/22
Issue	Revision	Initial	Date

**Cameron + Ross**  
 CIVIL + STRUCTURAL ENGINEERING  
 Forbes House | 15 Victoria Street | Aberdeen | AB10 1XB  
 Mulberry House | 39-41 Harbour Road | Inverness | IV1 1UA  
 T: 01463 570 100 | W: cameronross.co.uk

Client:  
 R.F. More (Properties) Ltd.

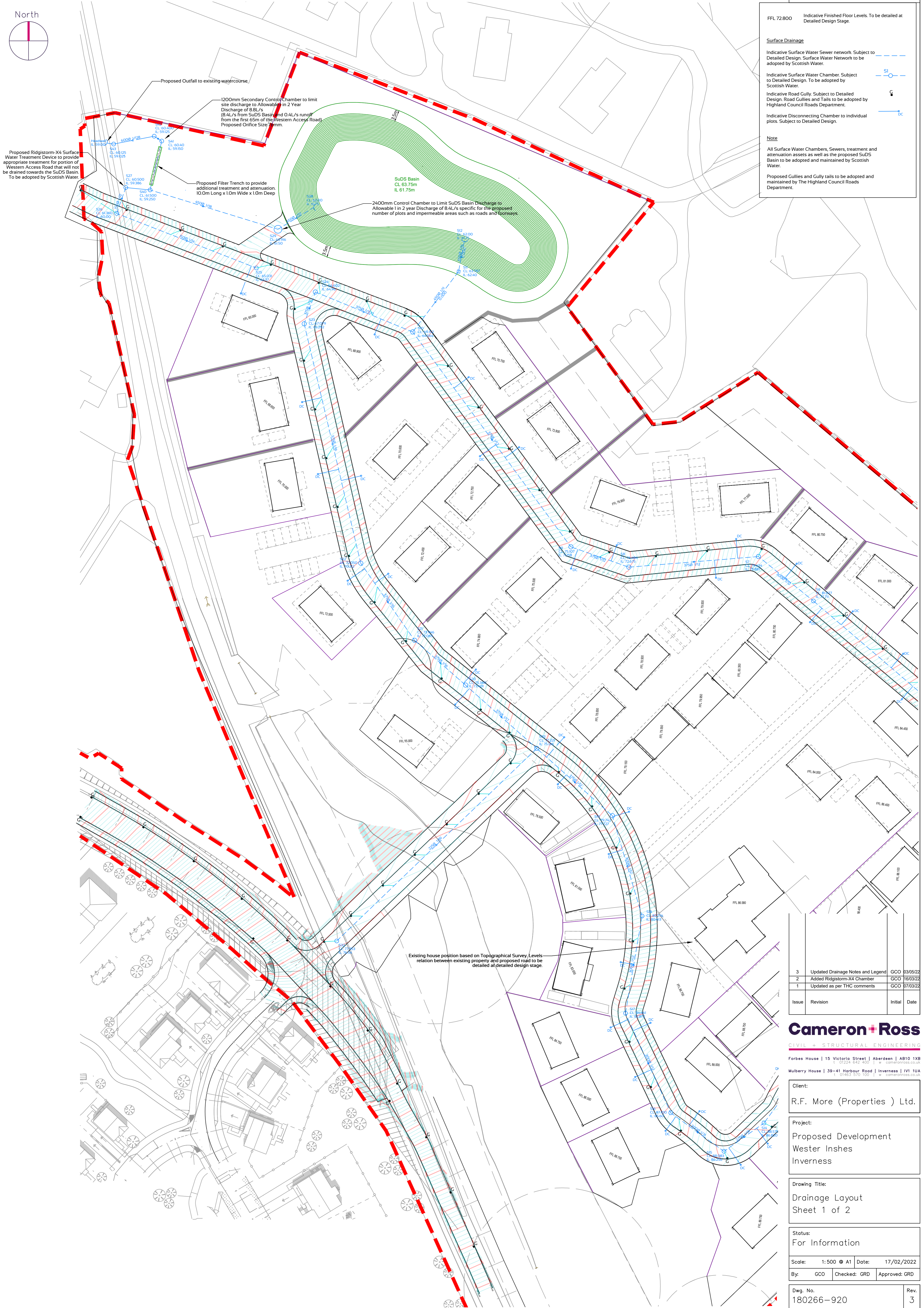
Project:  
 Proposed Development  
 Wester Inshes  
 Inverness

Drawing Title:  
 Drainage Layout  
 Sheet 1 of 2

Status:  
 For Information

Scale: 1:500 @ A1 Date: 17/02/2022  
 By: GCO Checked: GRD Approved: GRD

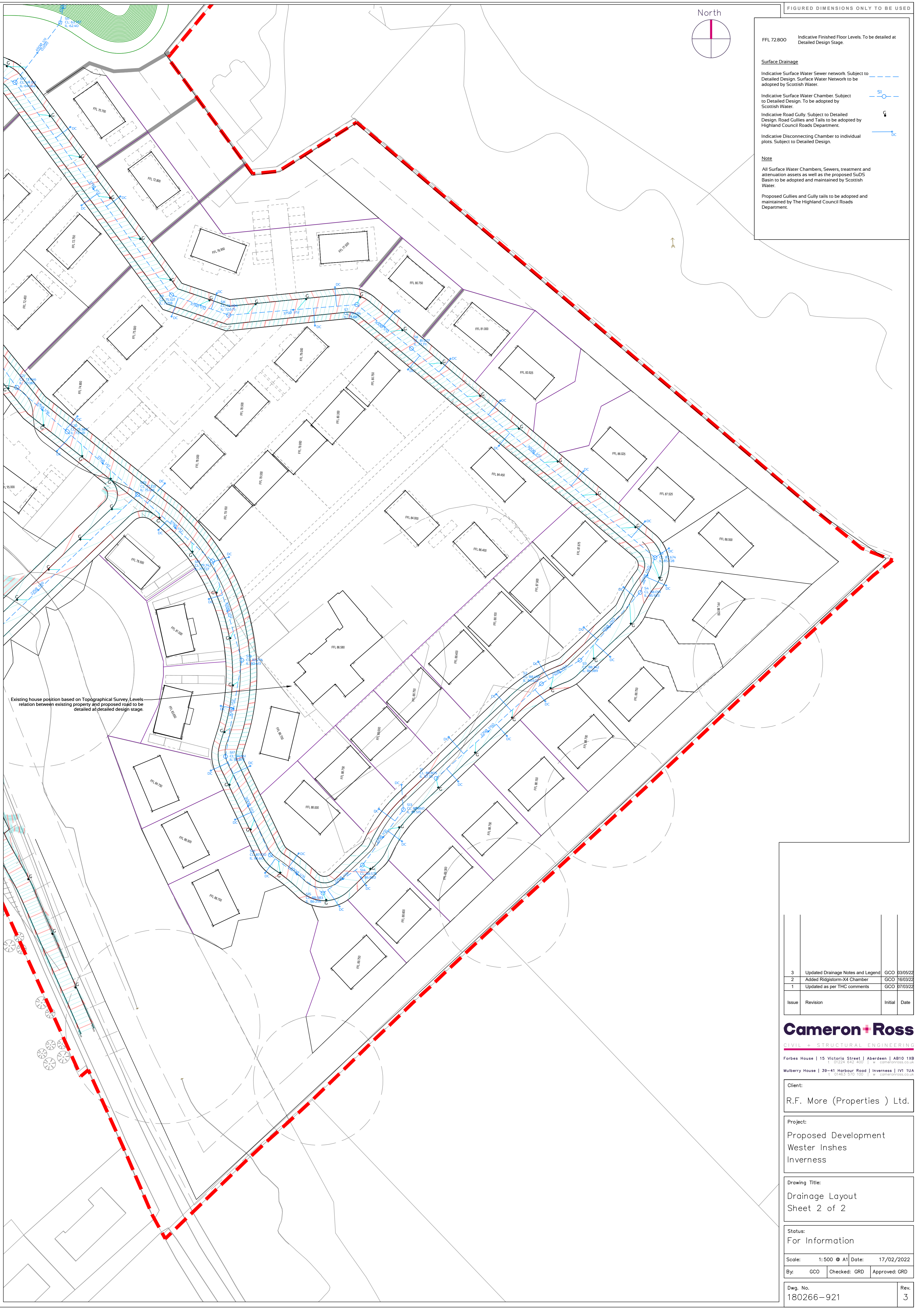
Dwg. No. 180266-920 Rev. 3





- FFL 72.800 Indicative Finished Floor Levels. To be detailed at Detailed Design Stage.
- Surface Drainage**
- Indicative Surface Water Sewer network. Subject to Detailed Design. Surface Water Network to be adopted by Scottish Water.
- Indicative Surface Water Chamber. Subject to Detailed Design. To be adopted by Scottish Water.
- Indicative Road Gully. Subject to Detailed Design. Road Gullies and Tails to be adopted by Highland Council Roads Department.
- Indicative Disconnecting Chamber to individual plots. Subject to Detailed Design.

**Note**  
 All Surface Water Chambers, Sewers, treatment and attenuation assets as well as the proposed SuDS Basin to be adopted and maintained by Scottish Water.  
 Proposed Gullies and Gully tails to be adopted and maintained by The Highland Council Roads Department.



3	Updated Drainage Notes and Legend	GCO	03/05/22
2	Added Ridgism-X4 Chamber	GCO	16/03/22
1	Updated as per THC comments	GCO	07/03/22
Issue	Revision	Initial	Date

**Cameron + Ross**  
 CIVIL + STRUCTURAL ENGINEERING  
 Forbes House | 15 Victoria Street | Aberdeen | AB10 1XB  
 Mulberry House | 39-41 Harbour Road | Inverness | IV1 1UA

Client:  
 R.F. More (Properties) Ltd.

Project:  
 Proposed Development  
 Wester Inshes  
 Inverness

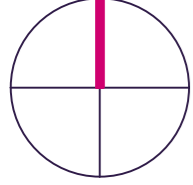
Drawing Title:  
 Drainage Layout  
 Sheet 2 of 2

Status:  
 For Information

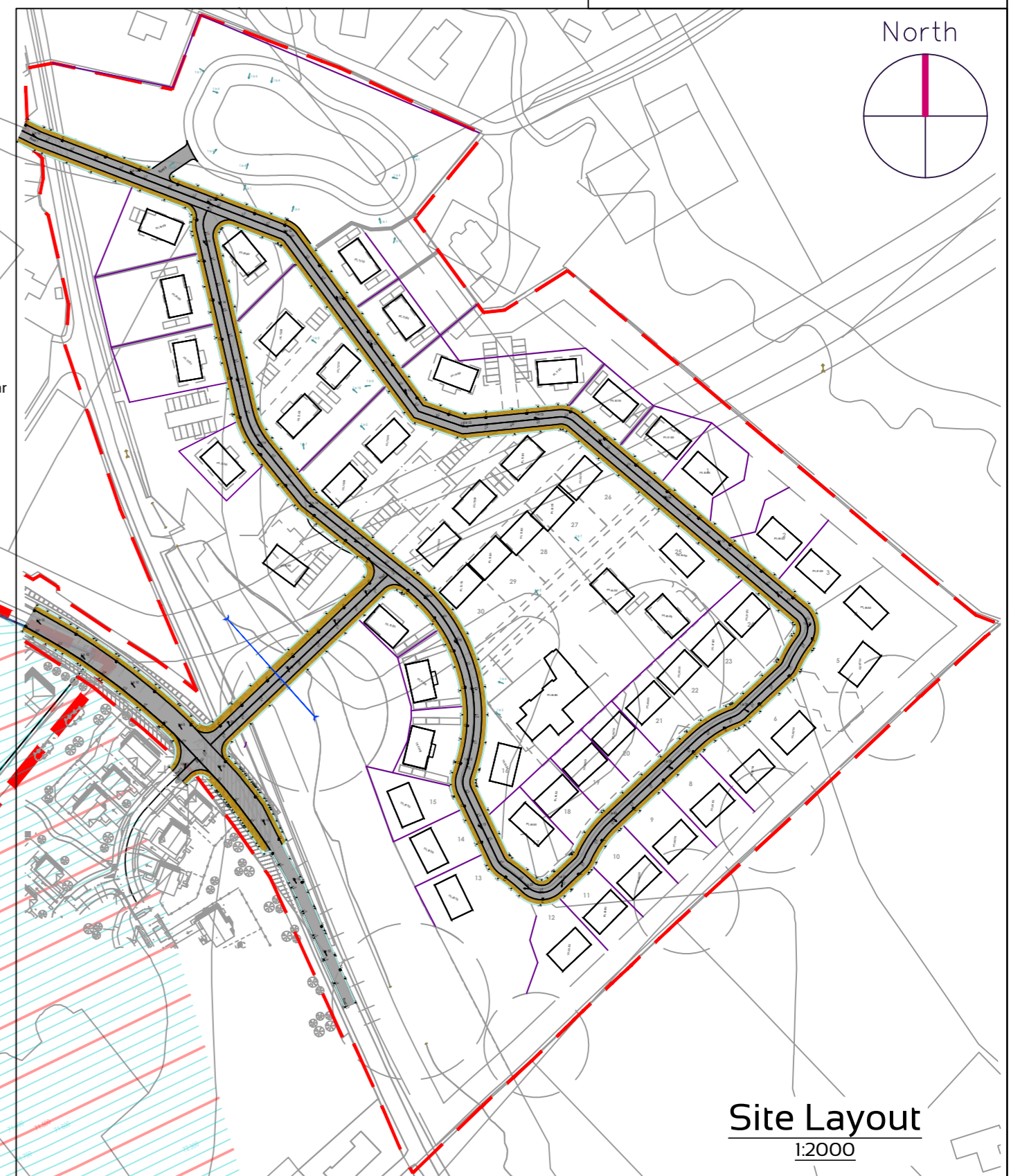
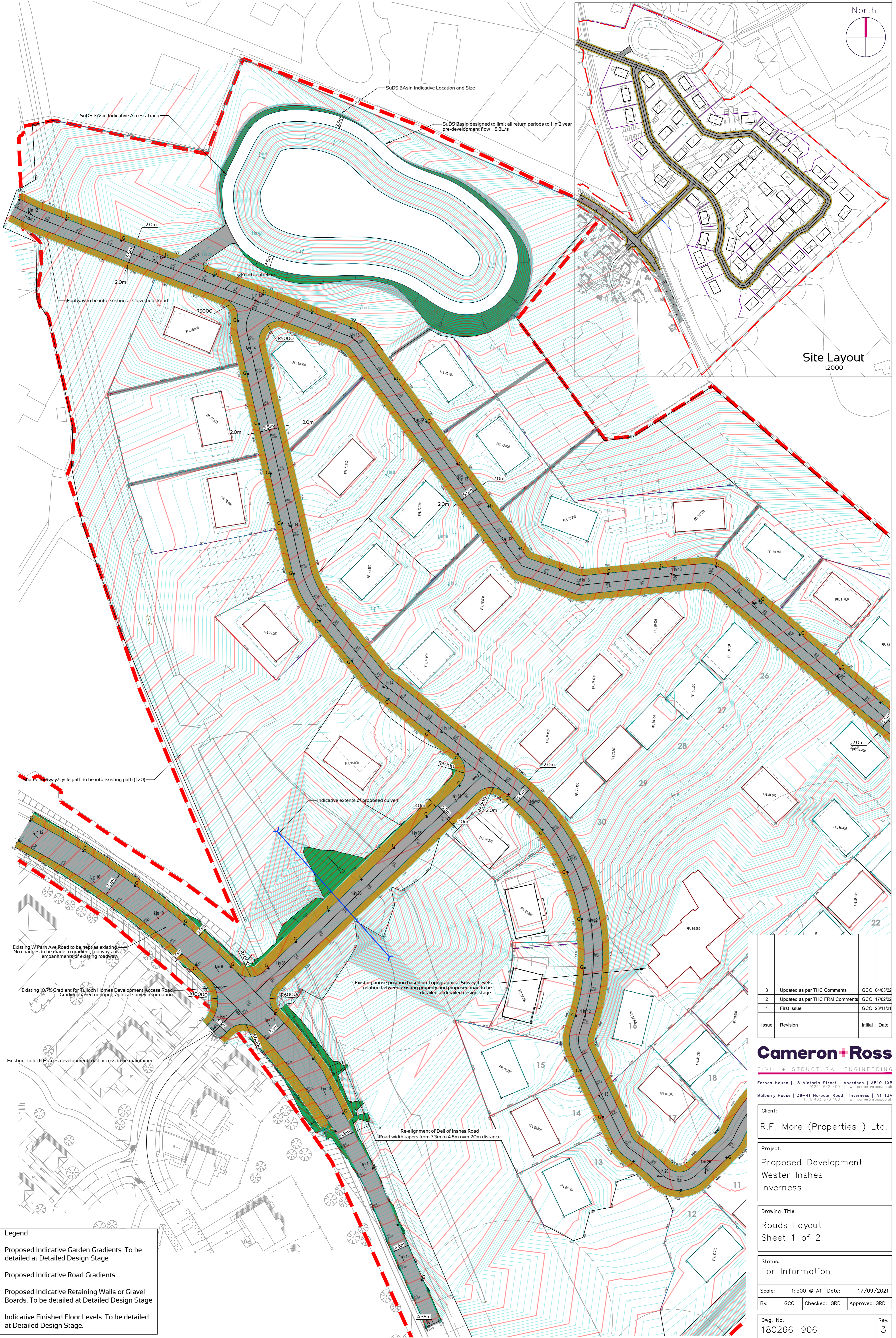
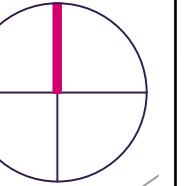
Scale: 1:500 @ A1 Date: 17/02/2022  
 By: GCO Checked: GRD Approved: GRD

Dwg. No. 180266-921 Rev. 3

North



North



Site Layout  
1:2000

SuDS Basin Indicative Location and Size

SuDS Basin Indicative Access Track

SuDS Basin designed to limit all return periods to 1 in 2 year pre-development flow = 8.8L/s

Footway to tie into existing at Cloverfield Road

Shared footway/cycle path to tie into existing path (1:20)

Existing W Park Ave Road to be kept as existing. No changes to be made to gradients, footways or embankments of existing roadway.

Existing 10.7% Gradient for Tulloch Homes Development Access Road. Gradient based on topographical survey information.

Existing Tulloch Homes development road access to be maintained

Existing house position based on Topographical Survey Levels. Relation between existing property and proposed road to be detailed at detailed design stage.

Re-alignment of Dell of Inshes Road. Road width tapers from 7.3m to 4.8m over 20m distance

3	Updated as per THC Comments	GCO	04/03/22
2	Updated as per THC FRM Comments	GCO	17/02/22
1	First Issue	GCO	23/11/21
Issue	Revision	Initial	Date

**Cameron + Ross**  
CIVIL + STRUCTURAL ENGINEERING

Forbes House | 15 Victoria Street | Aberdeen | AB10 1XB  
Mulberry House | 39-41 Harbour Road | Inverness | IV1 1UA  
01463 570 100 | www.cameronross.co.uk

Client:  
R.F. More (Properties) Ltd.

Project:  
Proposed Development  
Wester Inshes  
Inverness

Drawing Title:  
Roads Layout  
Sheet 1 of 2

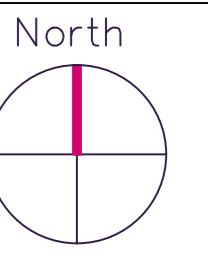
Status:  
For Information

Scale: 1:500 @ A1 Date: 17/09/2021  
By: GCO Checked: GRD Approved: GRD

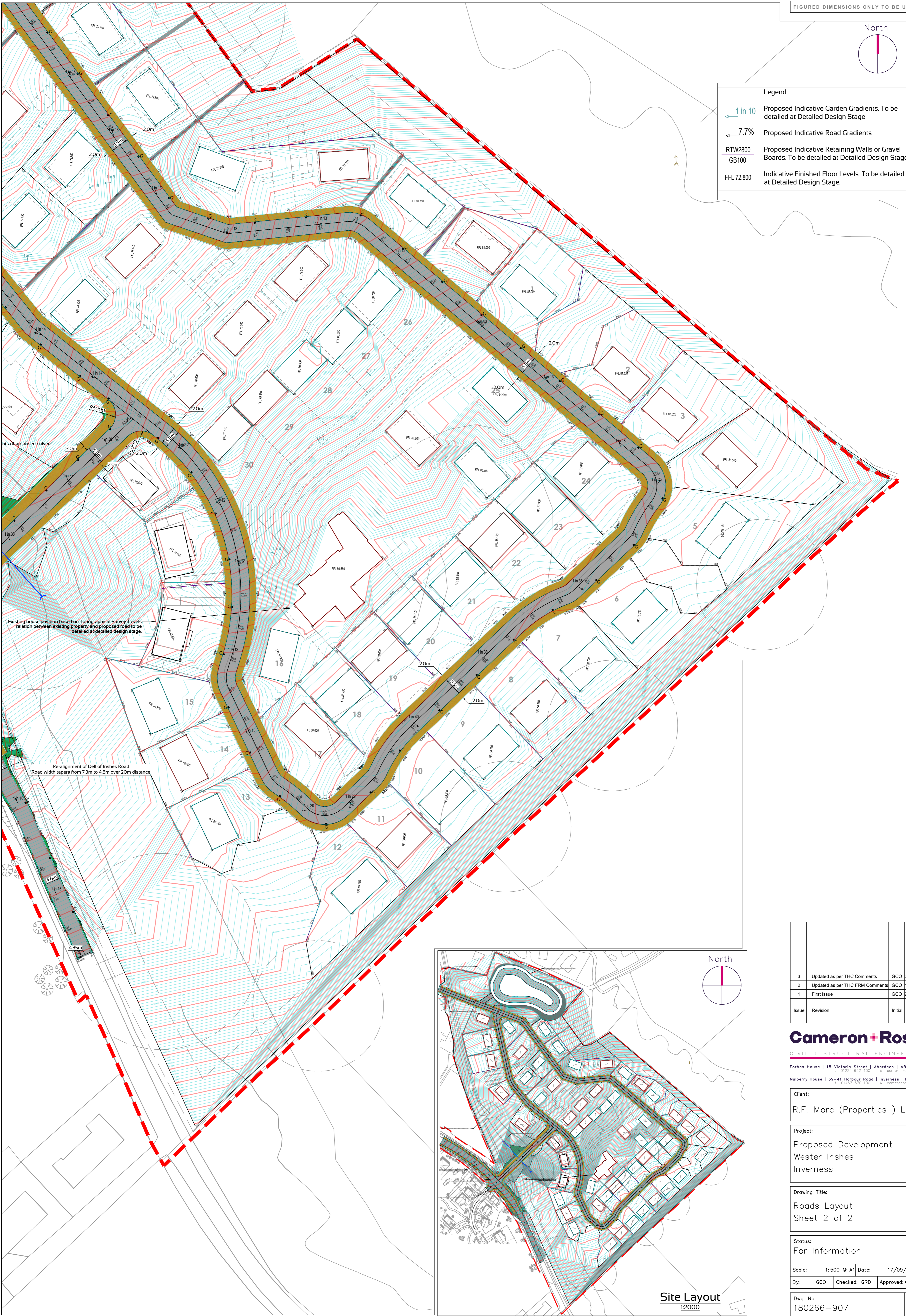
Dwg. No. 180266-906 Rev. 3

**Legend**

	1 in 10	Proposed Indicative Garden Gradients. To be detailed at Detailed Design Stage
	7.7%	Proposed Indicative Road Gradients
	RTW2800 GB100	Proposed Indicative Retaining Walls or Gravel Boards. To be detailed at Detailed Design Stage
	FFL 72.800	Indicative Finished Floor Levels. To be detailed at Detailed Design Stage.

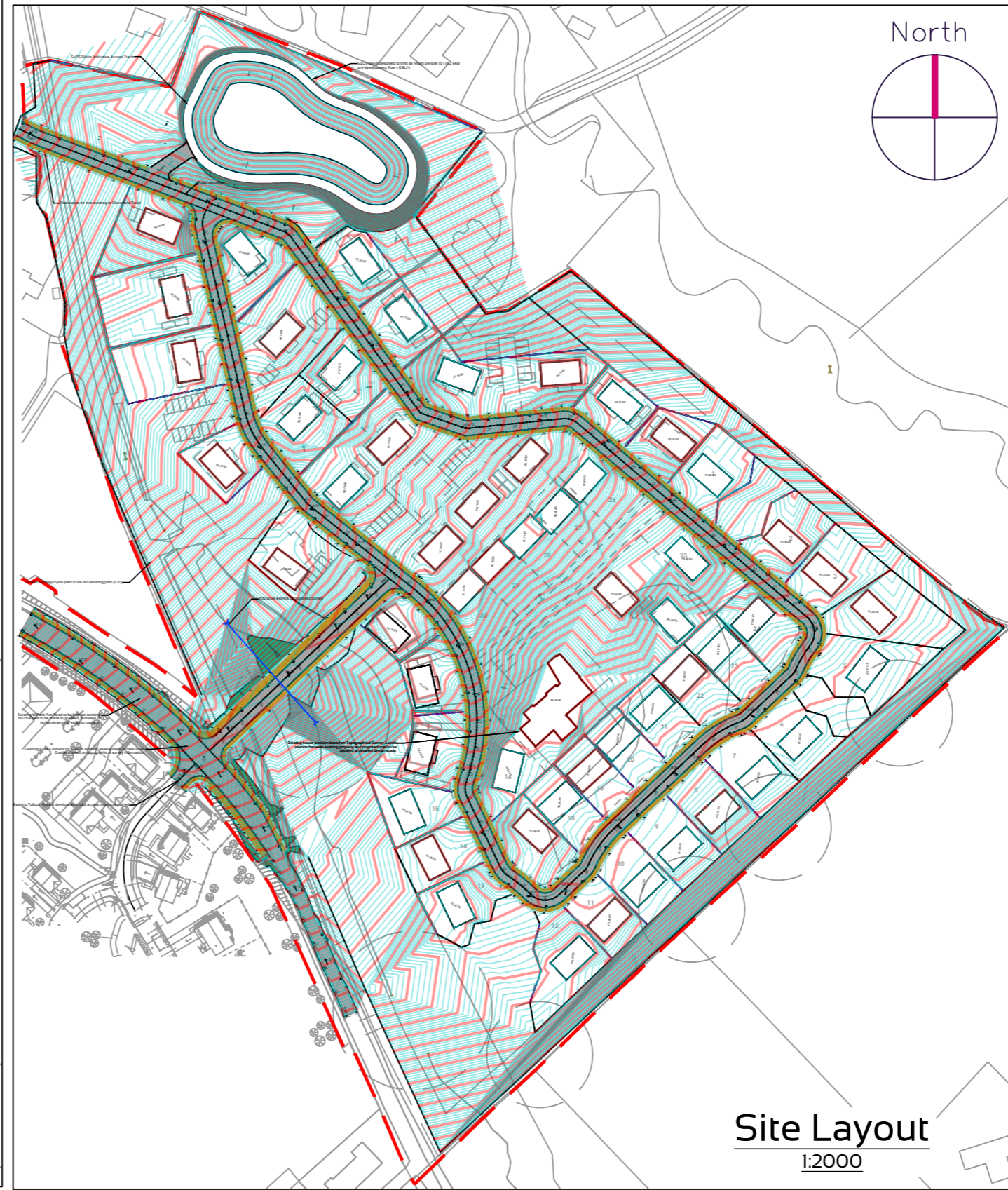


Legend	
	1 in 10 Proposed Indicative Garden Gradients. To be detailed at Detailed Design Stage
	7.7% Proposed Indicative Road Gradients
	RTW2800 GB100 Proposed Indicative Retaining Walls or Gravel Boards. To be detailed at Detailed Design Stage
	FFL 72.800 Indicative Finished Floor Levels. To be detailed at Detailed Design Stage.



Existing house position based on Topographical Survey Levels relation between existing property and proposed road to be detailed at detailed design stage.

Re-alignment of Dell of Inshes Road Road width tapers from 7.3m to 4.8m over 20m distance



Site Layout  
1:2000

3	Updated as per THC Comments	GCO	04/03/22
2	Updated as per THC FRM Comments	GCO	17/02/22
1	First Issue	GCO	23/11/21
Issue	Revision	Initial	Date

**Cameron + Ross**  
CIVIL + STRUCTURAL ENGINEERING

Forbes House | 15 Victoria Street | Aberdeen | AB10 1XB  
Mulberry House | 39-41 Harbour Road | Inverness | IV1 1UA

Client:  
R.F. More (Properties) Ltd.

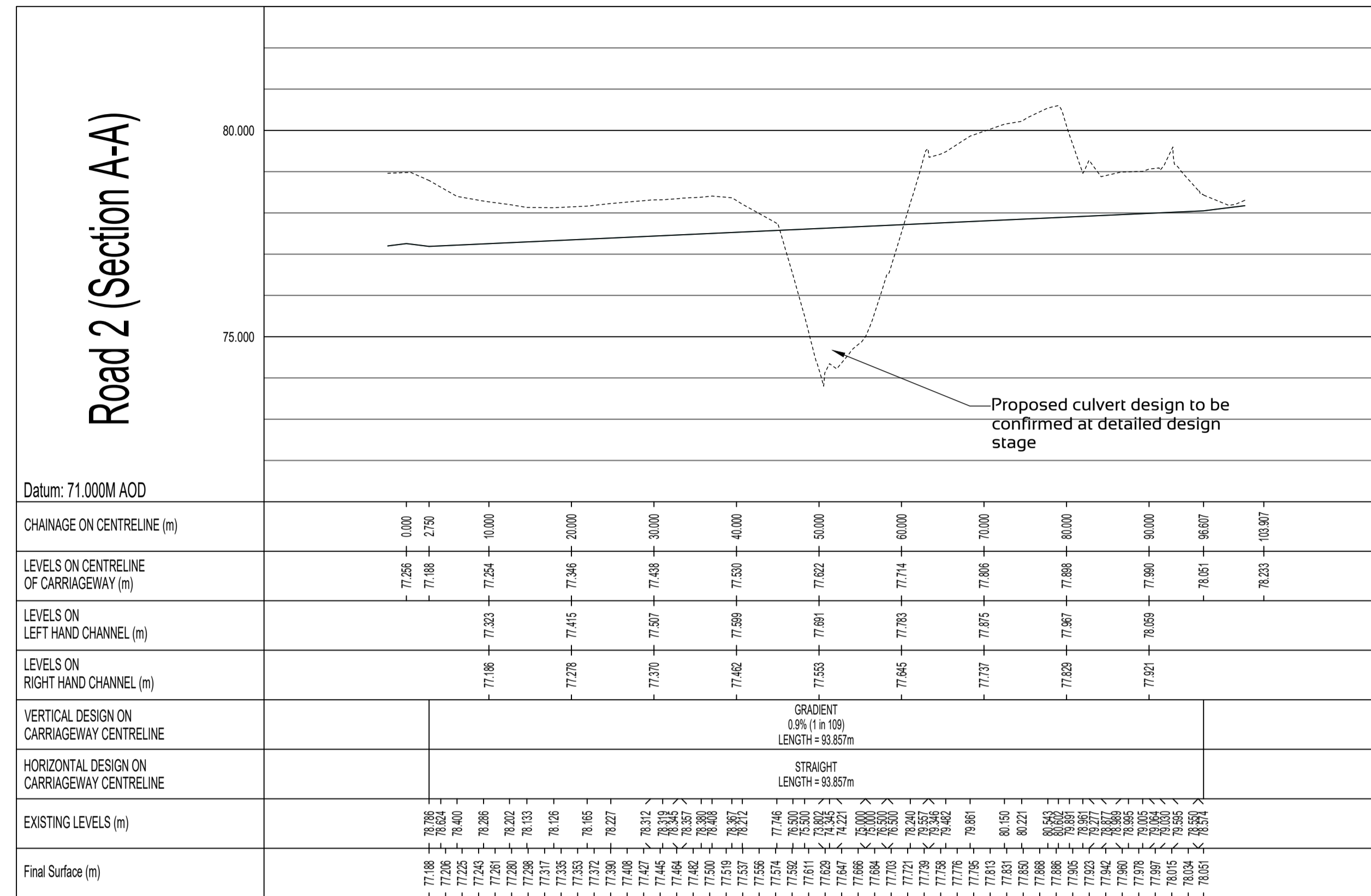
Project:  
Proposed Development  
Wester Inshes  
Inverness

Drawing Title:  
Roads Layout  
Sheet 2 of 2

Status:  
For Information

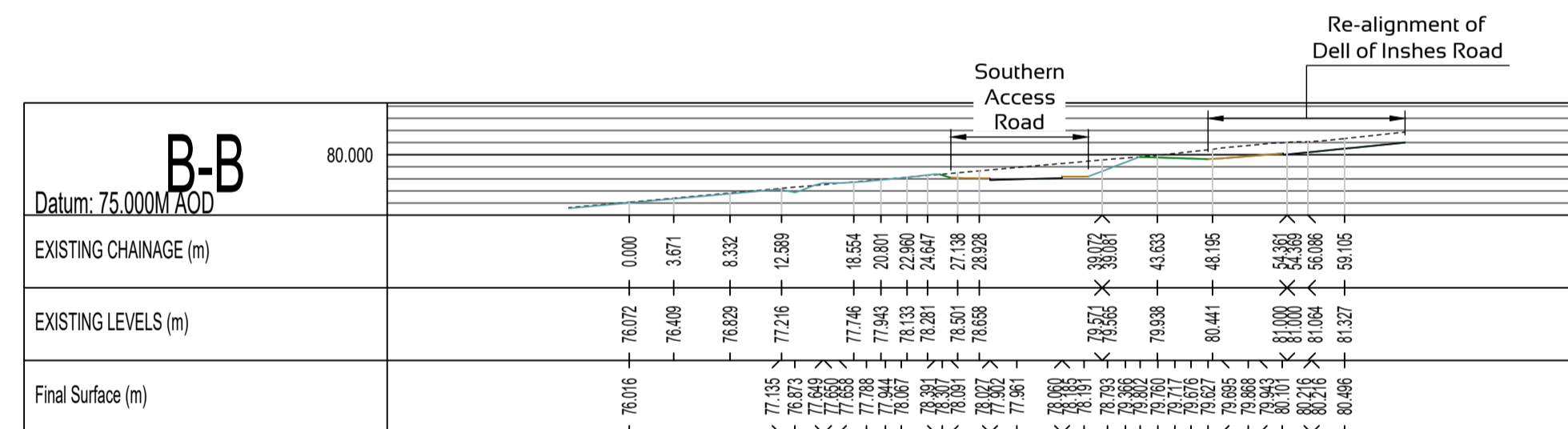
Scale: 1:500 @ A1 Date: 17/09/2021  
By: GCO Checked: GRD Approved: GRD

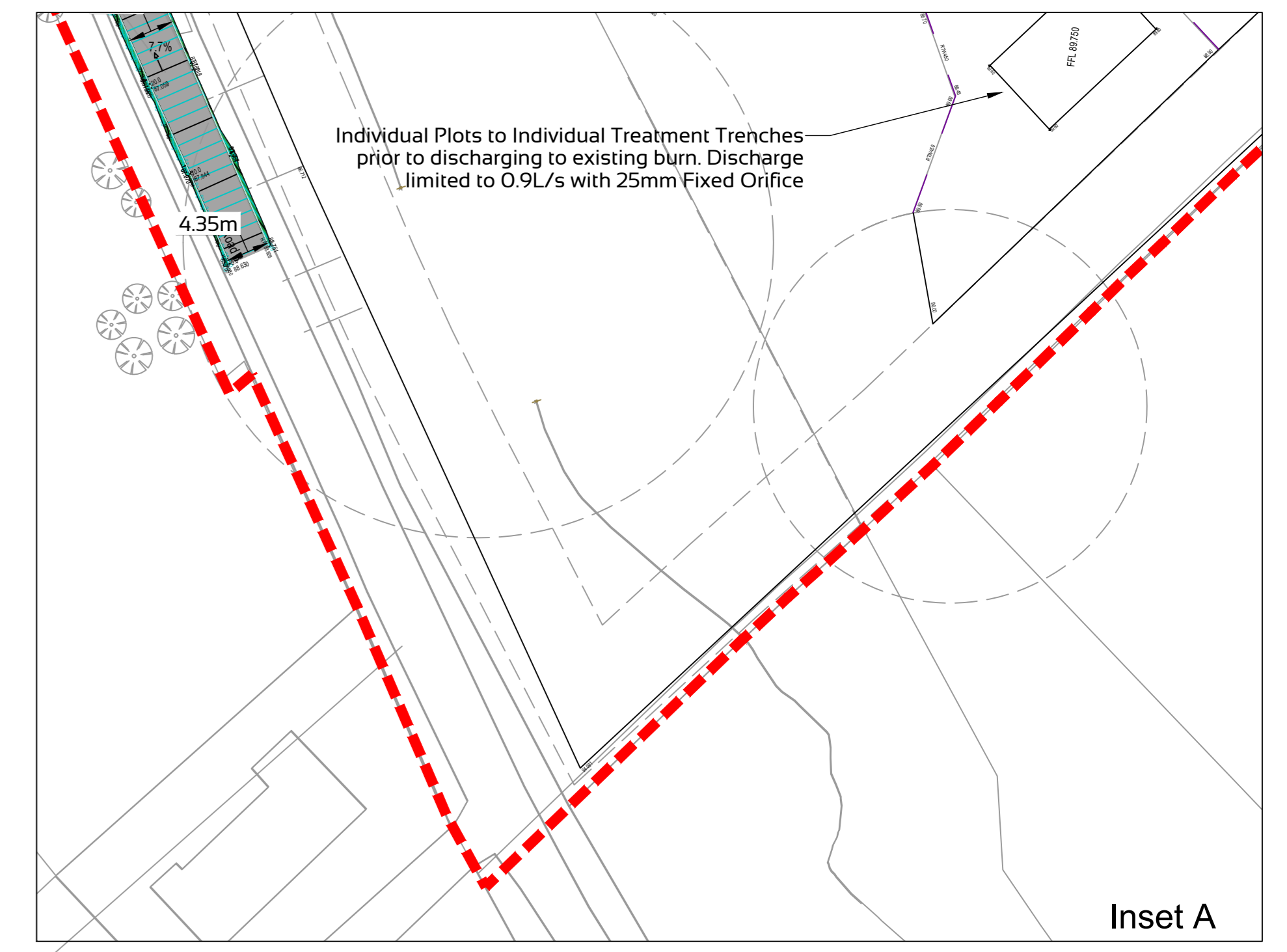
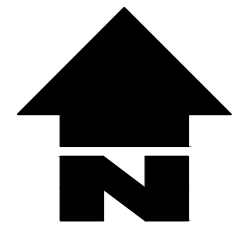
Dwg. No. 180266-907 Rev. 3



**SOUTHERN ACCESS ROAD LONGITUDINAL SECTION**

Scale 1:500 (H) and 1:100 (V)





Legend

	Proposed Indicative Garden Gradients. To be detailed at Detailed Design Stage
	Proposed Indicative Road Gradients
	Proposed Indicative Retaining Walls or Gravel Boards. To be detailed at Detailed Design Stage
	Indicative Finished Floor Levels. To be detailed at Detailed Design Stage

Individual Plots to Individual Treatment Trenches prior to discharging to existing burn. Discharge limited to 0.9L/s with 25mm Fixed Orifice

Individual Plots to Individual Treatment Trenches prior to discharging to existing burn. Discharge limited to 0.9L/s with 25mm Fixed Orifice

Individual Plots to Individual Treatment Trenches prior to discharging to existing burn. Discharge limited to 0.9L/s with 25mm Fixed Orifice

Existing W Park Ave Road to be kept as existing. No changes to be made to gradients, footways or embankments of existing roadway.

Existing 10.7% Gradient for Tulloch Homes Development Access Road. Gradient based on topographical survey information.

Existing Tulloch Homes development road access to be maintained

Individual Plots to Individual Treatment Trenches prior to discharging to existing burn. Discharge limited to 0.9L/s with 25mm Fixed Orifice

Existing house position based on Topographical Survey. Levels relation between existing property and proposed road to be detailed at detailed design stage.

Individual Plots to Individual Treatment Trenches prior to discharging to existing burn. Discharge limited to 0.9L/s with 25mm Fixed Orifice

Re-alignment of Dell of Inshes Road. Road width tapers from 7.3m to 4.8m over 20m distance

Individual Plots to Individual Treatment Trenches prior to discharging to existing burn. Discharge limited to 0.9L/s with 25mm Fixed Orifice

Individual Plots to Individual Treatment Trenches prior to discharging to existing burn. Discharge limited to 0.9L/s with 25mm Fixed Orifice

For Continuation refer to Inset A

1	Section markers added.	GRD	20/12/21
Issue	Revision	Initial	Date

**Cameron + Ross**  
CIVIL + STRUCTURAL ENGINEERING  
Farber House | 15 Victoria Street | Aberdeen | AB10 1XB  
Mulberry House | 39-41 Harbour Road | Inverness | IV1 1UF

Client:  
R.F. More (Properties) Ltd.

Project:  
Proposed Development  
Wester Inshes  
Inverness

Drawing Title:  
Site Plan

Status:  
Sketch

Scale: 1:500 @A0 Date: 24/11/2021  
By: GCO Checked: GRD Approved: GRD

Dwg. No. 180266-000-CAM-SK-C-001 Rev. 1